



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
SIXTH SEMESTER BACHELOR OF ARTS AND LAWS INTEGRATED

(Session 2021-22 onwards)

PAPER – IV (PAPER CODE – **BAL604**): (PAPER NAME - **PROPERTY LAW (INCLUDING TRANSFER OF PROPERTY ACT AND EASEMENT ACT)**)

VI – SEMESTER

M.M 80

A. TRANSFER OF PROPERTY ACT, 1882-

- 1. Preliminary:** Definition- Immovable Property, Attestation, Notice
Essentials of Transfer, Competence of Parties, Subject matter of transfer, Registration of Transfer
- 2. General Rules of Transfer:**
 - (A) Restraint on alienation - absolute or partial, Restraint of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates
 - (B) Transfer to unborn person, Rule against perpetuity
 - (C) Accumulation of income, exceptions Covenants and Transfers
 - (D) Conditional Transfer - Condition Precedent, Condition subsequent, Vested and contingent interest.
- 3. Priority of rights** – Doctrine of Election (S 35), Transfer of property out of which maintenance claims have to be met (S 39), Ownership by holding out – Ostensible Owner - Implied transfers by limited owners (S 41), Ownership by estoppels - Feeding the grant by estoppel- Transfer by Unauthorised person who subsequently acquires interest in property acquired (S43), Doctrine of Lis Pendens - Transfer of Property pending suit (S 52), Fraudulent Transfer (S 53), Doctrine of Part Performance (S 53A)
- 4. Mortgage and Charge:** Kinds of Mortgage, Rights and Liabilities of Mortgagor and Mortgagee, Priority - Marshalling, Contribution & Subrogation, Charge, Difference between Mortgage and Charge
- 5. Sale, Exchange, Actionable Claims** – Essentials, Rights and Liabilities of Parties, Modes of Transfer
- 6. Lease** – Essentials, Duration of Leases, Modes of Leases, Rights and liabilities of Lessor and Lessee, Determination, Forfeiture, Notice to quit and Notice of Forfeiture and their Waiver, Tenant by Holding Out
Gift – Essentials, Onerous Gift, Universal Donee

B. LAW RELATING TO REGISTRATION OF PROPERTY – The Registration Act 1908

C. INDIAN EASEMENTS ACT, 1882

Easements, Essentials of Easements, Imposition Acquisition, Incidents Disturbance, Extinction, Suspension and Revival of Easement, Licence, Difference between Lease and Licence.

SUGGESTED READINGS :

1. The Transfer of Property Act (Act IV of 1882) as amended up-to-date.
2. Mulla : Transfer of Property Act, 1882
3. Joshi : The Indian Easements Act
(Act V of 1882).
4. Manon, A.K. : The Law of Property.
5. Sarthi, V.P. : Law of Transfer of Property.
6. Shukla, S.N. : Transfer of Property Act.
7. Saxena, I.C. : Transfer of Property Act.