



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

(Session 2017-18)

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

Transfer of Property Act, 1882-

- UNIT-I** Preliminary : Definition, Essentials of Transfer, Competence of Parties, Subject matter of transfer, Transfer to unborn person, Rule against perpetuity
Registration of Transfer, etc. General Rules of Transfer:
- (a) Restraint on alienation absolute or partial, Restraint of free enjoyment
Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, Doctrine of acceleration. Accumulation of income, exceptions
Covenants and Transfers, General Rules of Transfer,
- (b) Conditional Transfer Condition Precedent, Condition subsequent, Vested and contingent interest.
- UNIT-II** Election, Priority of rights, Notice, Implied transfers by limited owners, Transfer of property out of which maintenance claims have to be met, Ownership by holding out, Ownership by estoppel, Doctrine of part performance. Feeding the grant by estoppel Fraudulent Transfer, Transfer of Property pending suit.
- UNIT-III** Mortgage and Charge : Kinds of Mortgage, Rights and Liabilities of Mortgage and Mortgagees Priority, Marshalling, Contribution & Subrogation.
- UNIT-IV** Sale, Exchange, Lease, Gift, Actionable Claims.
- UNIT-V** Recordation of Property Right
a. Law Relating to Registration – The Registration Act 1908
b. Law Relating to Stamp Duties Rajasthan Stamp Act 1998
- UNIT-IV** 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 upto-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.