

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-V

Course Code	BAL505
Course Title	Law of Property
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	Before the enactment of the Transfer of Property Act, 1882 in India the transfer of property was governed by its respective customary law. The Courts during this period applied the common law of England and the rules of equity, justice and good conscience with respect to disputes relating to transfer of property. The conflicting Judgements and unsuitability of these principles in Indian scenario necessitated the enactment of legislation. The Transfer of Property Act, 1882 deals with the transfer of property by Act of parties i.e. living persons. The course deals with general principles of transfer of property both movable and immovable. The course also covers certain kinds of transfer of immovable property, such as Sale, Lease and Mortgage. It also includes transaction i.e. Gift which deal with movable and immovable property. Even chapter II of the present Act also if is inconsistent with Muhammadan law it the Muhammadan law which will prevails.

UNIT-I

Movable/Immovable Property (Sec.3)

Doctrine of Notice (Sec. 3)

Actionable Claim (Sec. 3)

Transfer of Property (Sec. 5)

Non-transferable Properties & Persons Competent to transfer (Secs. 6,7)

Conditions restraining alienation and Conditions repugnant to Interest Created (Secs. 10 and 11)

Transfer for the benefit of Unborn Persons and Rules against Perpetuity (Sec. 13-18)

UNIT –II

Vested and Contingent Interests (Sec. 19 and 21)

Conditional Transfers- Condition Precedent and condition subsequent (Sec.25-34)

Doctrine of Election (Sec. 35)

UNIT –III

Transfer by ostensible owner (Sec. 41); Transfer by unauthorized person who subsequently acquires interest (Sec. 43). Fraudulent transfer (Sec. 53);
Improvements made by Bonafide Purchaser under defective title(Sec. 51);
Doctrine of Part Performance (Sec 53-A) Transfer during pendency of litigation (Sec. 52)

UNIT –IV

Sale-Definition, Mode of Execution; Contract for Sale (Sec 54)
Mortgage- Definition; Kinds of Mortgage; Mode of Execution, Redemption and foreclosure of mortgages; Clog on equity of redemption (Secs 58 to 60,67)
Lease- Definition; Duration; Mode of Execution (Secs. 105,106,107)
Gift- Definition; Mode of Execution (Secs. 122 and 123)

Suggested Readings:

Dr. R. K. Sinha, The Transfer of Property Act(Central Law Agency, 2018).

Prof. G. P. Tripathi,The Transfer of Property Act, 1882 (Central Law Publications, 2014).

Dr. Avtar Singh Textbook on The Transfer of Property Act (Universal Law Publishing Co. Pvt. Ltd., 2016).

Dr. S. N. Shukla, Transfer of Property Act, (Allahabad Law Agency, 2015)

B. B. Mitra and SenGupta,Transfer of Property Act, 1882(Kamal Law House, 2019).

Dr. Hari Singh Gour,The Transfer of Property Act, (Delhi Law House,12th ed. 2012).

G.C.V. Subbarao's, Law of Transfer of Property (Easement Trust and Wills), (ALT Publication, 7th ed., 2012)

Mulla, TheTransfer of Property Act (Lexis Nexis, 1st ed. 2015).