

Syllabus of B.B.A., LL.B. (Hons.) 2022-23 Batch

COURSE-3.2 Law of Property**Objectives:**

The focus of this course is on the study of the concept of property, the nature of property rights and the general principles governing the transfer of property. A detailed study of the substantive provisions of law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course also includes the study of the concept of Easement.

UNIT - I

Meaning, definition and kinds of property- movable and immovable property; Transferable Immovable Property; Persons competent to transfer; Operation of Transfer; Conditions restraining alienation and restrictions; Transfer for the benefit of unborn person; Rule against perpetuity and exceptions; Direction for accumulation; Vested and Contingent interest.

UNIT - II

Doctrine of Election; Transfer by person authorized only under certain circumstances to transfer; Transfer by ostensible and co-owner; Apportionment; Priority of rights; Rent paid to holder under defective title; Improvements made by *bonafide* holder under defective title; Doctrine of *Lispendens*; Fraudulent transfer and Part-performance.

UNIT - III

Mortgages of Immovable Property: Definition; Kinds of mortgages and their features; Rights and liabilities of mortgagor and mortgagee; Priority of securities- Marshalling and Contribution; Charges

UNIT – IV

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale- Difference between sale and contract for sale; Lease of immovable property -Lease definition - rights and liabilities of lessor and lessee; Termination of Lease; Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.

UNIT – V

Indian Easement Act, 1882: Nature, Definition and Characteristics of Easement - Modes of creation of Easement-Extinction of Easement; Licence.

Prescribed Books:

1. Dinshah Fardunji Mulla, Hans Raj Khanna & Parvinrai Mulwantrai Bakshi,
2. *Mulla on the Transfer of Property Act, 1882*, (N.M. Tripathi, 1985)
3. Poonam Pradhan Saxena, *Property Law*, (Lexis Nexis, New Delhi).
3. Amins and Shastri, *The Law of Easements*, (Eastern Book Company Lucknow).
4. *Transfer of Property Act, 1882*.
5. *Indian Easement Act, 1882*

Reference Books:

1. G.V.C., Subbarao's *Transfer of Property*, (C. Subbiah Chetty & Co.).
2. S.N. Shukla, *Transfer of Property Act*, (Allahabad Law Agency)
3. G.P. Tripathi, *The Transfer of Property Act*, (Central Law Publications)
4. Avtar Singh, *Textbook on the Transfer of Property Act*, (Central Law Agency).