



SGT UNIVERSITY, GURGAON FACULTY OF LAW

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL. B. (Hons.)	VI	Property Law	08040618

Property Law

Course Objective –

The concept of 'property' and the nature of property right are basic to the understanding of law relating to property. 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. This course will also study the limitations operating thereon as laid down in the Transfer of Property Act. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange and gift will also be undertaken.

Module – I

Meaning of: Immovable Property, Attestation, Registered, Actionable Claim and Notice

Definition of Transfer of Property; What may be transferred?; Persons competent to transfer; Operation of transfer; Conditions restraining alienation; Restrictions repugnant to interest created

Transfer for benefit of unborn person; Rule against perpetuity

Vested Interest and Contingent Interest.

Module – II

Election and Apportionment; Restricted Covenants; Transfer by ostensible owner; Transfer by unauthorised person who subsequently acquires interest in property transferred

Fraudulent Transfer, Improvements made by person under defective Title,

Doctrine of *lis pendens*; Part performance.

Module – III

Sale of immovable property; Definition of sale and Contract to sell, Rights and liabilities of buyer and seller; Marshalling by subsequent purchaser

Definition of Mortgage, Kinds of mortgage, mortgagor, mortgagee, mortgage money, mortgage deed

Right of redemption of mortgagor; Equity of redemption; Right to foreclosure or sale, Subrogation; Prohibition of Tacking; Marshalling and Contribution.

Module – IV

Definition of Lease; kind of lease; Distinction between Lease and License, modes of creation and determination of lease, Exchange; Transfer of Actionable Claims, Definition of gift; Modes of creation of gift, Suspension and Revocation of gift; Onerous gift; Universal donee

Module – V

Indian Easement Act, 1882.
Definition and essential features of easement; Kinds of easement; Imposition, Acquisition and Transfer of Easements
Licenses.

Course Outcome- After the completion of the course the students will be able:

1. To determine, explain and apply the principles of property law to resolve complex problems and theoretical questions.
2. To apply property law to complex problems and critically examine its operation from a range of theoretical perspective covering transfers, sale, mortgage, lease, exchange and gift of property.

Suggested Reading:

1. Vepa P. Sarathi; Law of Transfer of Property; EBC, 2011.
2. Dr. Sir H.S. Gour's Commentary on The Transfer of Property Act; 12th Ed, 2010.
3. Saxena, Poonam, Mulla on Transfer of Property Act, 1882; Lexis Nexis; 2013 Ed.
4. G.C.V. Subba Rao's Law of Transfer of Property, Rev. Vepa P. Sarathi; 6th Ed. 2009
5. Saxena, Poonam; Property Law, Lexis Nexis, 2011.
6. Megarry & Wade, The Law of Real Property; Thomson S&M, 2012
7. Ghosh, Rashbehary, Law of Mortgage (Tagore Law Lectures), Kamal Law House, 2013
8. Sen Gupta (Rev.), Mitra's Transfer of Property Act(18th ed., 2004)
9. S.M. Lahiri, Transfer of Property Act (10th ed., 1986)
10. Ameen and shastry, "The Law of Easement"