

## Syllabus of Three Year LL.B/ LL.B.(H) Programme

### SEMESTER – IV

<b>Code</b>	<b>Paper</b>	<b>Marks</b>
LL.B.: 4.1	Law of Evidence	100
LL.B.: 4.2	Civil Procedure Code & Limitation Act	100
LL.B.: 4.3	Transfer of Property Act	100
LL.B.: 4.4	Administrative Law	100
LL.B.: 4.5 P <sub>2</sub>	Practical – 2 Drafting, Pleading & Conveyancing	100
LL.B. (Hons): 4.6 H <sub>5</sub>	<b>Honours – 5</b> , any one from following: 1. Methods of Interpretation of Statute (CL Group) 2. Advanced Tax law (BL Group) 3. Probation and Parole (Cr. Group)	100
LL.B. (Hons): 4.7 H <sub>6</sub>	<b>Honours – 6</b> , any one from following: 1. Right to Information (CL Group) 2. Corporate Restructuring and Insolvency Law (BL Group) 3. Victimology (Cr. L Group)	100
<b>Total for Non Honours Course</b>		<b>500</b>
<b>Total for Honours Course</b>		<b>700</b>

**Semester IV**  
**LL.B.: 4.3**

**Transfer of Property Act**

**End Semester – 80**

**Internal Assessment – 20**

**Total Marks – 100**

	<b>Marks</b>
<b>Unit 1: Introduction:</b>	<b>16</b>
1.1. Definition, Object and Scope of the Act.	
1.2. Transfer of Property- movable and immovable.	
1.3. Interpretation Clause- ‘Immovable clause’, ‘Instrument’, ‘Attested’, Registered, Attached to the earth, ‘Actionable claim’, ‘Notice’, Actually express and constructive notice.	
1.4. Vested and Contingent interest, Difference, Conditional Transfer, (5.25) Difference between Contingent interest and Spes-Succession is.	

**- NORMS PART -**

<b>Unit 2: Transfer of Property by Act of Parties:</b>	<b>16</b>
2.1 Sec 5 – Transfer of Property defined	
2.2 Sec. 6- Spes-successionis, Mere right of re-entry, Easements, Restricted Interest, Right to future maintenance, Mere right to Sue, Pensions and stipends,	
2.3 Sec. 7- Persons competent to transfer, Easements of valid transfer, Competency of transfer. Sec. 8- Operation of transfer. Sec. 9- Oral transfer. Sec. 10- Conditions restraining alienation.	
2.4 Sec 13 – Transfer for benefit of unborn child, Sec. 14- Rule against perpetuity- Object, Maximum Remoteness of Vesting, Ultimate beneficiary in mothers’ womb, Exceptions to the Rule.	
2.5 Sec. 26 to 29- Condition Precedent and Condition subsequent, Fulfilment of Condition Precedent and Condition subsequent	
2.6 Sec.35- Doctrine of Election.	

<b>Unit 3: Transfer of Immovable Property</b>	<b>16</b>
3.1 Sec.38- Transfer by person authorized only under certain circumstances to transfer.	
3.2 Sec.39- Transfer where third person is entitled to maintenance.	
3.3 Sec. 40- Burden of obligation imposing restriction on use of land or of obligation annexed to ownership, but not amounting to interest of easement.	
3.4 Sec. 41- Transfer by Ostensible Owner, Benami Transaction Act, 1988. Sec. 42- Transfer by person having authority to revoke former transfer, Sec 43 –Transfer by unauthorized persons Sec. 44 & 47, Transfer by Co-owner, Sec. 44-46, joint transfer for consideration, Sec. 48 & 78- Priority of Rights created by Transfer. Sec. 49- Transferee’s rights under policy.	

- 3.5 Sec. 50-51- Bonafide holders under defective title. Sec. 52- Transfer of property during pendency of suit. (Doctrine of Lis Pendens). Sec.53- Fraudulent Transfer, voidable by creditors.
- 3.6 Sec. 53A- Doctrine of Part- Performance, Partial information of equity of redemption, difference between English and Indian Law.
- 3.6 Relevant provisions of Indian Registration Act

**- FORMS PART -**

**Unit 4: Sales of Immovable Property: 16**

- 4.1 Sec. 54- Definition of Sale, how made, 'Contract for sale', Essential of valid sale.
- 4.2 Hire- purchase agreements, Distinction between sale and exchange, Distinction between sale and gift.
- 4.3 Sec. 55- Rights and liabilities of buyer and seller.
- 4.4 Sec. 56- Marshalling by subsequent purchase.
- 4.5 Sec. 57- Provision by Court for incumbrances and sale freed therefrom.

**Unit 5: Mortgages, Leases, Exchanges, Gift & Actionable Claims : 16**

- 5.1 Sec. 58- Mortgages- Definition and Essential its kinds of Rights and Liabilities of Mortgagors and Mortgagees. Sec. 100- Charges- Definition and kinds- Distinction between charge and mortgage, charge and lien.
- 5.2 Sec. 105- Leases – Definition of Lease, Lessor, Lessee, premium and rent. Sec. 107- How made Sec. Rights and Liabilities of Lessor and Lessee. Sec. 111- Forfeiture of Lease. Holding over, Determination of Lease.
- 5.3 Sec. 118- Exchange- Definition, Rights and Liabilities of parties.
- 5.4 Sec. 122- Gift- Definition and Essential.  
Sec. 123- Transfer how effected, modes of making gift.  
Sec. 124- Gift of existing and future property.  
Sec. 125- Gift to several of whom one does not accept.  
Sec. 126- When gift may be suspended & revoked.  
Sec. 127- Onerous gift.  
Sec. 128- Universal donee.
- 5.5 Sec. 130- Transfer of Actionable claim,- Definition, Transfer how effected, Sec. 130 & 132- Rights of a transfer of an actionable claim.  
Sec. 133 & 134- Warranty of solvency of debtor, Mortgaged debt.  
Sec. 135- Assignment of rights under policy of insurance against fire.

**Internal Assessment : 20**

**Referred Case Laws:**

1. M. Ramkrishna Reddy V. Sub- Registrar, Bangalore, AIR (2000) Kant. 46.
2. Godrej and Boyee Manufacturing Co. Ltd. v State of Maharastra (2009) 5 Sec.24.
3. Kaliperumal V. Rajagopal, (2009) 4 Sec. 193.
- 4 C. Cheriathan V. P. Narayanan Embranthiri (2009) 2 Sec. 673
5. Vimal Chand Ghevarchand Jain V. Ramakanta Eknath Jadoo (2009) 5 Sec. 713.

## **Recommended Books**

1. Prof. R. K. Sinha, **The Transfer of Property Act**, Central Law Agency, 2016 Edition.
2. H. N. Tiwari, **The Transfer of Property Act**, Allahabad Law Agency, 2015 Edition.
3. S. N. Sukla, **The Transfer of Property Act**, Allahabad Law Agency, 2016 Edition.
4. S. M. Lahiri, **The Transfer of Property Act**, Eastern Law House, 2014 Edition.
5. D. F. Mulla, **The Transfer of Property Act**, Eastern Book Company, 2016 Edition.