



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

**Semester: V**

**B.A./B.B.A. LL.B. (Hons.)**

**Paper Code: LB-502**

**Property Law**

**Credit-04**

### **Introduction:**

Property is an important jurisprudential concept which has various facades. The object of this subject is to explore into those various concepts by dealing different principles laid down in Transfer of Property Act, 1882 with a contemporary analysis. The course aims to equip students with knowledge to understand intricate issues involved in transfers of immovable property.

### **Course Objectives:**

1. To explain about the basic principles and doctrines of Transfer of Property Act, 1882.
2. To accentuate clarity on the fundamental concepts of the property law.
3. To demonstrate and understand the essentials of lease, gift, actionable claims.
4. To familiarize the students with the concept and incidents of diverse transfer of immovable property.

### **Learning Outcomes:**

On the successful completion of course, students will be able to:

1. Determine, explain and apply different principles and doctrines of property law to resolve complex problems and theoretical questions.
2. Analyze, evaluate and synthesize information from a wide variety of sources and experiences to answer complex legal questions in a principled manner.
3. Identify and analyze cultural, theoretical and social factors impacting on property law.
4. Critically analyze the values and policy considerations involved in the legal regulation of property Transactions.

## **Module - I**

### **Introduction: Concept of Property and Principles Relating to Transfer of Property (S. 3-35 TPA & 17-18 Indian Registration Act)**

- 1.1. Meaning & Concept of Property: Distinction between Movable and Immovable Property: Attestation; Notice;
- 1.2. Definition of Transfer of Property; Transferable and Non-Transferable Property; Conditions Restricting Transfer;
- 1.3. Transfers to an Unborn Person and Rule against Perpetuity;
- 1.4. Vested and Contingent interest;
- 1.5. Rule of Election.

## **Module - II**

### **Principles Governing Transfer of Immovable Property**

- 2.1 Transfers by Ostensible Owner;
- 2.2 Doctrine of Feeding Grant by Estoppel;
- 2.3 Doctrine of Lis pendens;
- 2.4 Fraudulent Transfer;
- 2.5 Doctrine of Part Performance.

## **Module - III**

### **Specific Transfers: Definitions and Kinds, Rights and Liabilities (Ss. 55-129 TPA)**

- 3.1 Mortgage: Mortgagor, Mortgagee and Kinds of Mortgage;
- 3.2 Sale;
- 3.3 Gift;
- 3.4 Lease & License;
- 3.5 Exchange.

## **Module - IV**

### **Charge & Transfers of Actionable Claims (Ss. 100-104, 130-137 TPA)**

- 4.1. Charge: Meaning and Concept;
- 4.2. Creation of Charge; Notice and Enforcement;
- 4.3. Actionable Claims;
- 4.4. Transfer of Actionable Claims;
- 4.5. Liability of Transferee of Actionable claims.

**Prescribed Legislations:**

1. The Code of Civil Procedure, 1908.
2. The Registration Act, 1908.
3. The Transfer of Property Act, 1882.

**Prescribed Books:**

1. Avtar Singh, TRANSFER OF PROPERTY ACT, (2019).
2. Mulla, TRANSFER OF PROPERTY ACT, (2023).
3. Poonam Pradhan Saxena, PROPERTY LAW, (2017).

**Prescribed Readings:**

1. James Charles Smith, PROPERTY AND SOVEREIGNTY, (Law, Property and Society, 2013).
2. Colleen E. Medill, ACING PROPERTY: A CHECKLIST APPROACH TO SOLVING PROPERTY PROBLEMS, (2012).
3. John Sprankling, UNDERSTANDING PROPERTY LAW, (2012).

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