



Contents

TRANSFER OF PROPERTY ACT, 1882

PAGE

CHAPTER I PRELIMINARY

1. Short title	1
2. Repeal of Acts—Saving of certain enactments, incidents, rights, liabilities, etc.	2
3. Interpretation clause	3
4. Enactments relating to contracts to be taken as part of Contract Act and supplemental to the Registration Act	6

CHAPTER II OF TRANSFERS OF PROPERTY BY ACT OF PARTIES

(A) Transfer of Property, whether movable or immovable

5. “Transfer of property” defined	6
6. What may be transferred	7
7. Persons competent to transfer	8
8. Operation of transfer	9
9. Oral transfer	10
10. Condition restraining alienation	10
11. Restriction repugnant to interest created	10
12. Condition making interest determinable on insolvency or attempted alienation	11
13. Transfer for benefit of unborn person	11

	PAGE
14. Rule against perpetuity	11
15. Transfer to class some of whom come under sections 13 and 14	12
16. Transfer to take effect on failure of prior interest	12
17. Direction for accumulation	12
18. Transfer in perpetuity for benefit of public	13
19. Vested interest	13
20. When unborn person acquires vested interest on transfer for his benefit	13
21. Contingent interest	13
22. Transfer to members of a class who attain a particular age	14
23. Transfer contingent on happening of specified uncertain event	14
24. Transfer to such of certain persons as survive at some period not specified	14
25. Conditional transfer	15
26. Fulfilment of condition precedent	16
27. Conditional transfer to one person coupled with transfer to another on failure of prior disposition	16
28. Ulterior transfer conditional on happening or not happening of specified event	17
29. Fulfilment of condition subsequent	17
30. Prior disposition not affected by invalidity of ulterior disposition	18
31. Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen	18
32. Such condition must not be invalid	18
33. Transfer conditional on performance of act, no time being specified for performance	18
34. Transfer conditional on performance of act, time being specified	19
<i>Election</i>	
35. Election when necessary	20
<i>Apportionment</i>	
36. Apportionment of periodical payments on determination of interest of person entitled	21
37. Apportionment of benefit of obligation on severance	21
<i>(B) Transfer of Immovable Property</i>	
38. Transfer by person authorised only under certain circumstances to transfer	21
39. Transfer where third person is entitled to maintenance	22

	PAGE
40. Burden of obligation imposing restriction on use of land	22
41. Transfer by ostensible owner	23
42. Transfer by person having authority to revoke former transfer	23
43. Transfer by unauthorised person who subsequently acquires interest in property transferred	23
44. Transfer by one co-owner	24
45. Joint transfer for consideration	24
46. Transfer for consideration by persons having distinct interests	25
47. Transfer by co-owners of share in common property	25
48. Priority of rights created by transfer	25
49. Transferee's right under policy	25
50. Rent <i>bona fide</i> paid to holder under defective title	25
51. Improvements made by <i>bona fide</i> holders under defective titles	26
52. Transfer of property pending suit relating thereto	26
53. Fraudulent transfer	27
53A. Part performance	27

CHAPTER III

OF SALES OF IMMOVABLE PROPERTY

54. "Sale defined"	29
55. Rights and liabilities of buyer and seller	30
56. Marshalling by subsequent purchaser	34
<i>Discharge of Encumbrances on Sale</i>	
57. Provision by Court for encumbrances and sale freed therefrom	35

CHAPTER IV

OF MORTGAGES OF IMMOVABLE PROPERTY AND CHARGES

58. "Mortgage", "mortgagor", "mortgagee", "mortgage-money" and "mortgage-deed" defined	37
59. Mortgage when to be by assurance	40
59A. References to mortgagors and mortgagees to include persons deriving title from them	41
<i>Rights and liabilities of mortgagor</i>	
60. Right of mortgagor to redeem	41
60A. Obligation to transfer to third party instead of re-transference to mortgagor	41

	PAGE
60B. Right to inspection and production of documents	42
61. Right to redeem separately or simultaneously	42
62. Right of usufructuary mortgagor to recover possession	42
63. Accession to mortgaged property	42
63A. Improvements to mortgaged property	43
64. Renewal of mortgaged lease	43
65. Implied contracts by mortgagor	43
65A. Mortgagor's power to lease	44
66. Waste by mortgagor in possession	44
<i>Rights and Liabilities of Mortgagee</i>	
67. Right to fore-closure or sale	45
67A. Mortgagee when bound to bring one suit on several mortgages	45
68. Right to sue for mortgage-money	45
69. Power of sale when valid	46
69A. Appointment of receiver	47
70. Accession to mortgaged property	49
71. Renewal of mortgaged lease	49
72. Right of mortgagee in possession	49
73. Right to proceeds of revenue sale or compensation on acquisition	50
74. <i>[Omitted by the Transfer of Property (Amendment) Act, 1929, w.e.f. 1-4-1929]</i>	50
75. <i>[Omitted by the Transfer of Property (Amendment) Act, 1929, w.e.f. 1-4-1929]</i>	50
76. Liabilities of mortgagee in possession	50
77. Receipts in lieu of interest	51
<i>Priority</i>	
78. Postponement of prior mortgagee	51
79. Mortgage to secure uncertain amount when maximum is expressed	51
80. <i>[Repealed by the Transfer of Property (Amendment) Act, 1929]</i>	52
<i>Marshalling and Contribution</i>	
81. Marshalling, securities	52
82. Contribution to mortgage-debt	52

	PAGE
<i>Deposit in Court</i>	
83. Power to deposit in Court money due on mortgage	52
84. Cessation of interest	53
<i>Suits for foreclosure, sale or redemption</i>	
85. [Omitted by the Code of Civil Procedure, 1908, w.e.f. 1-1-1909]	53
<i>Foreclosure and sale</i>	
86. to 90. [Omitted by the Code of Civil Procedure, 1908, w.e.f. 1-1-1909]	53
<i>Redemption</i>	
91. Persons who may sue for redemption	54
92. Subrogation	54
93. Prohibition of tacking	54
94. Rights of <i>mesne</i> mortgagee	54
95. Right of redeeming co-mortgagor to expenses	54
96. Mortgage by deposit of title-deeds	55
97. [Omitted by the Code of Civil Procedure, 1908]	55
<i>Anomalous mortgages</i>	
98. Rights and liabilities of parties to anomalous mortgages	55
<i>Attachment of mortgaged property</i>	
99. [Omitted by the Code of Civil Procedure, 1908, w.e.f. 1-1-1909]	55
<i>Charges</i>	
100. Charges	55
101. No merger in case of subsequent encumbrance	55
<i>Notice and tender</i>	
102. Service or tender on or to agent	55
103. Notice, etc., to or by person incompetent to contract	56
104. Power to make rules	56
CHAPTER V	
OF LEASES OF IMMOVABLE PROPERTY	
105. Lease defined	56
106. Duration of certain leases in absence of written-contract or local usage	57
107. Leases how made	59

	PAGE
108. Rights and liabilities of lessor and lessee	60
109. Rights of lessor's transferee	62
110. Exclusion of day on which term commences	63
111. Determination of lease	63
112. Waiver of forfeiture	64
113. Waiver of notice to quit	65
114. Relief against forfeiture for non-payment of rent	65
114A. Relief against forfeiture in certain other cases	66
115. Effect of surrender and forfeiture on under-leases	66
116. Effect of holding over	66
117. Exemption of leases for agricultural purposes	67

CHAPTER VI
OF EXCHANGES

118. "Exchange" defined	67
119. Right of party deprived of thing received in exchange	68
120. Rights and liabilities of parties	68
121. Exchange of money	68

CHAPTER VII
OF GIFTS

122. "Gift" defined	68
123. Transfer how effected	69
124. Gift of existing and future property	70
125. Gift to several of whom one does not accept	70
126. When gift may be suspended or revoked	70
127. Onerous gifts	71
128. Universal donee	72
129. Saving of donations <i>mortis causa</i> and Muhammadan law	72

CHAPTER VIII
OF TRANSFERS OF ACTIONABLE CLAIMS

130. Transfer of actionable claim	73
130A. [Omitted by the Marine Insurance Act, 1963, w.e.f. 1-8-1963]	74
131. Notice to be in writing, signed	74
132. Liability of transferee of actionable claim	75

	PAGE
133. Warranty of solvency of debtor	75
134. Mortgaged debt	75
135. Assignment of rights under policy of insurance against fire	75
135A. [<i>Omitted by the Marine Insurance Act, 1963, w.e.f. 1-8-1963</i>]	75
136. Incapacity of officers connected with Courts of Justice	75
137. Saving of negotiable instruments, etc.	76
SCHEDULE	76
SUBJECT INDEX	77