

THE TRANSFER OF PROPERTY ACT, 1882

SYLLABUS FOR ITI EXAM 2013

SYLLA- BUS FOR ITI EXAM 2013	Chapter II	Section 5 to 11	:	
		44 to 53 A	:	
	Chapter III	Section 54 to 57	:	Sales of Immovable property
	Chapter IV	Section 58, 59A, 69, 73, 100, 102, 103	:	
	Chapter V	Section 105 to 108	:	
	Chapter VII	Section	:	
	Chapter VIII	Section 130	:	

CHAPTER II

- 1 The Act came into force July 1, 1882. The property of any kind may be transferred
- 2 The chief objects of the Act are -
 - to lay down uniform rules for transfer of property
 - to complete the code of contract law so far as it relates to immovable property
- 3 The term 'transfer' under the transfer of property act, means - (Section 5)
 - a process or an act by which some is handed over to another
- 4 The transfer of property includes five specific categories of the transfer, namely -
 - sale
 - mortgage
 - leave
 - gift
 - exchange
- 5 Who is transferrer and transferee ?
 - The person transferring property is called the transferrer
 - The person to whom the property is transferred is called the transferee.
- 6 A transfer usually involves two distinct living persons
- 7 The term 'living persons' includes -
 - a company or
 - association or
 - body of individuals
 - (whether associated or not)
- 8 A dedication of a property to an idol is not a transfer, it is a gift.
- 9 A court is not a juristic person. It cannot be sued. It is not capable of taking and assigning property
- 10 What is a transfer inter vivos ?
 - Both the transferrer and the transferee effecting a transfer must be living persons

MST
CHENT

- 11 Transferring a property by a Will is a transfer ? 2
No. It takes effect only after the death of the testator (one who leaves a will) and as such it is not a transfer within between two living persons.
- 12 Section 3 of the transfer of property act deals with -
Conveyance (when something is moved from one place to another)
- 13 The following acts do not constitute a transfer of property -
(a) Family arrangement
(b) Settlement of a disputed claim
(c) Release, relinquishment or surrender
(d) partition
- 14 Section 9 of the transfer of property act says, the term property includes
a) a copyright in a literary composition
b) an auctionable claim
c) an annuity
d) a right to collect lac from trees
e) a mortgagor's right to redeem the mortgage
- 15 Transfer of property may take place in present or in future, but the property must be in existence.
The words 'in present or in future' in Sec.5 refer to 'conveys' and not 'property'
- 16 section 5 does not authorise to transfer future property.
- 17 The term property includes -
" land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth "
- standing timber, growing crops or grass are not immovable property.
But, if the land to which they are attached is sold, these things also pass to the buyer under section 8 as things attached to the earth.
- 18 What is movable property ?
any property which is not immovable property is "movable property".
- 19 Essentials of a valid transfer -
a) the property must be transferrable
b) the transferor must be competent to transfer
c) the transferee must be competent to take the transfer
d) the consideration and the object of the transfer must be lawful
e) the transfer must not be opposed to the nature of interest affected thereby
the transfer must be made in the manner and form prescribed by the Act.
- 20 The property of any kind may be transferred is subject to the following exceptions :
a) chance of an heir apparent
b) right to re-entry
c) transfer of easement
d) interest restricted in its enjoyment

- e) right to future maintenance
 mere right to sue
 public offices and salaries
 stipends and pensions
 occupancy rights
- 21 Section 7 deals with -
 persons competent to transfer property.
- 22 Section 6 deals with
 persons competent to transferee. Even a minor can be a transferee of property.
- 23 Section 8 deals with
 effects of transfer
- 24 What is 'alienation' (Sec 10)
 conveyance or transfer of property to another.
- 25 What is mean by 'clog in the enjoyment of the property ? (section 11)
 When a property is transferred absolutely, the transferee should be free to enjoy and dispose of the property in any manner he likes. If the transferrer imposes any restraint on the enjoyment or disposal of the property by the transferee, or the restraint is treated as a clog in the enjoyment' of the property. It is void.
- 26 The meaning of pendens means ?
 a pending litigation. Nothing new should be introduced during the pendency of a suit.
- 27 Section 53 deals with
 Doctrine of fraudulent transfer
 A debtor may sometimes, with intent to defeat or delay his creditors, transfers his property to one of his friends or relatives. He may also do so in fraud of subsequent purchases. If there is any such transfer, it can be avoided under section 53 and void
 Section 53 applicable to immovable property only and not to movable property
- 28 Section 54 of the transfer of property Act, 1882 deals with
 Sales of immovable property
- 29 What is sale ?
 Sale is a transfer of ownership in exchange for a price paid or promised or part-paid or part-paid and past-promised (Sec-54)
 Sale means transfer by the owner of all rights over, and interests in, the property of the buyer.
- 30 The transfer of property act, deals with
 only immovable property
 The sale of movable property is governed by the Sale of Goods Act, 1930.
- 31 Price:
 Price is an essential ingredient of sale. It is really the essence of a transaction of sale. In the absence of it, the transfer is not a sale.

MST
 CHE

- 32 The term Price means ?
Money only. Payment of price is not essential; but fixation of price is.
- 33 Mods of sale
There are two modes of of effecting sale;
(a) By registered instrument
(b) By delivery of possession
- 34 Sale in the case of tangible immovable property of the value of Rs. _____, can be made only by a registered instrument.
Rs. 100/- or upwards
- 36 What is tangible propety and intangible property ?
Tangible Property : Which can be perceived by touch or which can be touched physically, e.g., land & building.
Intangible Property : Which can neither be perceived or touched, e.g., mortagage debt
- 37

MSTU
CHENNAI

MSTU
CHENNAI

MSTU
CHENNAI

MSTU
CHENNAI

MSTU
CHENNAI

BEST WISHES FROM MSTU, CHENNAI

U
NAT

MSTU
CHENNAI

CU
NNAI