

# संपत्ति अंतरण अधिनियम (Transfer of Property Act, TPA) के महत्वपूर्ण धाराएँ

## भाग I: प्रारंभिक (Part I: Preliminary)

- \* धारा 3: निर्वचन खंड (Interpretation Clause)
  - \* Definition of “immovable property”, “attested”, “notice”, etc.
- \* धारा 5: 'संपत्ति का अंतरण' क्या है (What is Transfer of Property)
  - \* Definition of transfer and explanation of “living person”.

## भाग II: संपत्ति के अंतरणों के विषय में (Part II: Of Transfers of Property)

- \* धारा 6: क्या अंतरित किया जा सकता है (What may be transferred)
  - \* List of properties that can and cannot be transferred, e.g., Spes Successionis, mere right to sue, public office.
- \* धारा 8: अंतरण के प्रभाव (Operation of Transfer)
  - \* What rights are transferred along with the property.
- \* धारा 10: अन्यसंक्रांति को अवरुद्ध करने वाली शर्त (Condition restraining alienation)
  - \* Validity of absolute restrictions on transfer.
- \* धारा 11: हित का उपभोग करने की रीति पर प्रतिबंध (Restriction as to enjoyment of interest)
  - \* Conditions imposing restrictions on the mode of enjoying the transferred property.
- \* धारा 13: अजन्मे व्यक्ति के फायदे के लिए अंतरण (Transfer for benefit of unborn person)
  - \* Rules for transferring property to an unborn person.
- \* धारा 14: शाश्वतता के विरुद्ध नियम (Rule Against Perpetuity)
  - \* A very important principle preventing property from being tied up indefinitely.
- \* धारा 19: निहित हित (Vested interest)
  - \* Definition and effects of vested interest.

- \* धारा 21: समाश्रित हित (Contingent interest)
- \* Definition and effects of contingent interest.
- \* धारा 25: सशर्त अंतरण (Conditional Transfer)
- \* Conditions that can make a transfer void.
- \* धारा 35: निर्वाचन का सिद्धांत (Doctrine of Election)
- \* A crucial doctrine where a person has to choose between two alternatives.
- \* धारा 41: दृश्यमान स्वामी द्वारा अंतरण (Transfer by Ostensible Owner)
- \* Deals with situations where a person who is not the real owner transfers property.
- \* धारा 43: कपटपूर्ण या भूल से अंतरण (Transfer by Unauthorized Person Who Subsequently Acquires Interest)
- \* Related to the doctrine of feeding the grant by estoppel.
- \* धारा 52: लंबित वाद का सिद्धांत (Doctrine of Lis Pendens)
- \* How transfer of property is affected during a pending lawsuit.
- \* धारा 53: कपटपूर्ण अंतरण (Fraudulent Transfer)
- \* Pertains to voiding transfers made fraudulently.
- \* धारा 53A: भाग-पालन का सिद्धांत (Doctrine of Part Performance)
- \* Protects agreements not formally registered but where a party has performed partially.

#### भाग III: विक्रय (Part III: Of Sales)

- \* धारा 54: विक्रय की परिभाषा (Definition of Sale)
- \* Essential conditions of a sale.
- \* धारा 55: विक्रेता और क्रेता के अधिकार और दायित्व (Rights and liabilities of buyer and seller)
- \* Various rights and duties of the seller and buyer during a sale.

#### भाग IV: बंधक और भार (Part IV: Of Mortgages of Immovable Property and Charges)

- \* धारा 58: बंधक की परिभाषा (Definition of Mortgage)

\* Defines mortgage and its various types (simple mortgage, mortgage by conditional sale, usufructuary mortgage, English mortgage, mortgage by deposit of title deeds, anomalous mortgage).

\* धारा 60: मोचन का अधिकार (Right of Redemption)

\* Important right of the mortgagor to redeem the mortgage.

\* धारा 67: पुरोबंध या विक्रय का अधिकार (Right to Foreclosure or Sale)

\* Right of the mortgagee.

\* धारा 92: प्रत्यासन (Subrogation)

\* How a person who pays off a mortgage debt acquires the rights of the mortgagee.

\* धारा 100: भार (Charges)

\* Clarifies the concept of a charge, which is distinct from a mortgage.

भाग V: पट्टे (Part V: Of Leases of Immovable Property)

\* धारा 105: पट्टा की परिभाषा (Definition of Lease)

\* Essential conditions of a lease.

\* धारा 106: अवधि का पट्टा (Duration of Lease)

\* How the duration of a lease is determined in the absence of a written agreement.

\* धारा 108: पट्टेदार और पट्टेकर्ता के अधिकार और दायित्व (Rights and Liabilities of Lessor and Lessee)

\* Clarifies the rights and duties of both parties during a lease.

\* धारा 111: पट्टे का पर्यवसान (Determination of Lease)

\* Ways in which a lease can be terminated.

भाग VI: विनिमय (Part VI: Of Exchanges)

\* धारा 118: विनिमय की परिभाषा (Definition of Exchange)

\* Clarifies the concept of exchange.

भाग VII: दान (Part VII: Of Gifts)

\* धारा 122: दान की परिभाषा (Definition of Gift)

\* Essential conditions of a gift.

\* धारा 123: दान कैसे किया जाता है (How a Gift is Made)

\* Requirement of registration for gifts of immovable property.

भाग VIII: अनुयोज्य दावे का अंतरण (Part VIII: Of Transfers of Actionable Claims)

\* धारा 130: अनुयोज्य दावे का अंतरण (Transfer of Actionable Claim)

\* Clarifies the concept of actionable claim and its transfer.

महत्वपूर्ण अवधारणाएं (Important Doctrines)

इन धाराओं के अलावा, आपको TPA से संबंधित विभिन्न महत्वपूर्ण सिद्धांतों (doctrines) को भी समझना होगा, जिन पर सीधे प्रश्न पूछे जाते हैं:

\* Doctrine of Lis Pendens (लंबित वाद का सिद्धांत)

\* Doctrine of Part Performance (भाग-पालन का सिद्धांत)

\* Doctrine of Election (निर्वाचन का सिद्धांत)

\* Doctrine of Marshalling (व्यवस्थापन का सिद्धांत)

\* Doctrine of Subrogation (प्रत्यासन का सिद्धांत)

\* Rule Against Perpetuity (शाश्वतता के विरुद्ध नियम)

\* Doctrine of Implied Covenant (निहित संविदा का सिद्धांत)