

# PROPERTY LAW MANUAL

SUMEET MALIK



Second Edition



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# Property Law Manual

**SUMEET MALIK**

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## A handy practical work with wealth of essential information.

The Property Law of India is contained in a rich mix of case law and statute law. While a great deal of Property Law in India still draws on principles of Indian common law beginning from the early 1800s, and almost five centuries of English common law, much of Indian Property Law was codified (without really abrogating the prior Indian or English common law) in the Great Codification of Indian Law stretching from the late 19<sup>th</sup> Century to the early 20<sup>th</sup> Century. This started with the great Private Law Codes of the Contract Act, 1872, Evidence Act, 1872, Specific Relief Act, 1877 (now the Specific Relief Act, 1963), Registration Act, 1877 (now the Registration Act, 1908) and many others, and finally the Property Law Codes themselves in 1882: the Transfer of Property Act, 1882, Trusts Act, 1882 and the Easements Act, 1882. These were followed in the early 20<sup>th</sup> Century by the two Insolvency Acts of 1909/1920, the Succession Act, 1925 and finally the Sale of Goods Act, 1930. The RDDB Act, 1993 and the SARFAESI Act, 2002 are terribly important to the enforcement of security interests, basically mortgages and charges that Financial Institutions and Banks have in respect of financial transactions/loans granted by them, something crucial to the financial health of the economy.

Most of India's Property Law is contained in the above statutes, all of which are contained in this first ever compendium of 19 statutes that are primarily concerned with Property Law, or significantly matter to Property Law, along with inclusion of important case law under different sections of the statutes. The Law of Property in India, movable, immovable and intellectual, is contained in a rich amalgam of case law and statute law. No one statute can be read in isolation to the others, and almost all these statutes have to be harmoniously construed *together*, depending on the precise property issue that has to be dealt with, along with the relevant case law.

Companion manuals to the Property Law Manual are the Intellectual Property Law Manual and the Civil Procedure Code.

The work has been structured to meet the requirements of Judges, practitioners and students who are concerned with Property Law.



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