

SUBJECT INDEX

- Acceleration, doctrine of, 104
Accessions and improvements, 228-232
Accretions, 336
Accumulations, 85-87
Actionable claims, 3, 7, 46-48, 364-366
Advancement, 123
Advantages, latent in leased property, 332, 340
Affirmative, covenant, 56, 57
Age, transfer to members of a class attaining particular age, 92, 93
Agreement to sell Spes, 27
Agricultural Lease, 306
Aids, 15
Alienation, restraint on, 50-54
Alienation, Right under Hindu Law, 1
Alienation, Right under Muhammedan Law, 2
Alienatio rei praefertur juri accrescendi, 50
Allegans contraria non est audiendus, 109
Alloidal ownership, 12
Ambulatory Will, 12
Anglo Saxons, 12
Animus revocandi, 369
Anomalous mortgage, 209, 210
Appointment of Receiver, 243-245
Apportionment, 115, 116
Arrears of annuity, 48
Arrears of rent, 47
Assignment of lease, 338-340
Assurance, mortgage when to be by, 210-212
Attached to earth, 7, 8, 42-44
Attachment before judgment and *lis pendens*, 135
Attestation, 212-215
Auxilia, 15
Away-going crops, 338
Baridar's right, 24
Become due, 236-238, 257
Benami transaction, 124, 125
Bona fide et *clausulae inconsumptae* inducunt suspicionem, 138
Burgage tenure, 15
Borough English, 15
Buyer, rights and liabilities of, 167-185
Caveat emptor, *qui ignorare non debuit quod jus alienum emit*, 169
Chance of succession, 21-32
Charge, 123
Charges, 300-303
Chattel, 12
Chattel real, 12
Chief tenant, 13
Chose in actions, 47
Class, transfer in favour of, 80-83
Clog, 248-269
Co-mortgagor, redemption by, 291
Common fund, property acquired by, 150-151
Compensation, 129
Compromise and *lis pendens*, 137
Conditional transfers, 98-107
Condition precedent, 83, 90
Condition subsequent, 83, 98-107
Conditional sale, mortgage by, 190-195
Conflict of rights, 120
Consolidation of mortgages, 245, 246, 268, 269
Contingent interests, 90-96
Contingent remainder, 24, 31, 72, 73
Contract for sale, 163, 166, 167
Contract of sale, 163-167
Contract to the contrary, 169
Contribution, 291-298
Convey and transfer, 263
Co-ownership, 148-150
Coparcener, 21, 149
Copyhold Act, 1894, 14
Copyhold tenant, 14
Copyright, 48
Co-sharer, profits from, 48
Court auction purchaser, covenant binding on, 58
Court of wards, 24
Covenants, implied in a mortgage, 217-219
Covenants, positive and negative, 57-62
Covenants running with land, 60

- Crops, away going, 338
 Crown Grants Act, 1895, 6
 Cujus est dare ejus est disponere, 101
 Cujus est solum ejus est usque ad Coelum, 44
 Cypres, doctrine of, 69, 70
 Damages, 48
 Debts, 47
 Decree, 47
 Defeasance, 101, 102
 Defects, 170
 Defects in property leased, 331, 333
 Definition of mortgage, 187-189
 Delivery, 165, 166
 Delivery of possession in case of lease, 316
 Demesne, 14
 Dependent relative revocation, 369
 Deposit of title deeds, 204-209
 Destruction of property, 127
 Destruction of Will, 368, 369
 Determination of lease, 342-350
 Devolution of rights in English and Indian law, 13
 Doctrine of acceleration, 104
 Doctrine of Cypres, 69, 70
 Doctrine of Election, 108, 105
 Doctrine of fraudulent transfer, 137-147
 Doctrine of lis pendens, 130-137
 Doctrine of part performance, 152-162
 Doctrine of part performance not applicable in J&K, 157
 Doctrine of suspension of rent, 334, 335
 Dominant heritage, 23, 33
 Donor and Donee, 359-361
 Donatio mortis causa, 1
 Double possibility, rule against, 63-66
 Drawing water, 8
 Due, 257, 258
 Duration of lease, 319
 Duration of period of tenancy, 328-330
 Earnest money, 182-184
 Easement, 23, 33
 Easements Act, 1882, 3
 Ejectment, 343, 352
 Emblements, 129, 338
 Encumbrancer, 267
 English law, 3, 11
 English mortgage, 200-204, 263
 Entailed estates, 16, 18
 Equitable contingent remainder, 72, 73
 Equitable Mortgage, 204-209
 Equitable rights, 72, 73
 Equity of redemption, 11
 Equity of redemption if immovable property, 11
 Equity takes as done what ought to be done, 31
 Escheat, 15
 Estate, 17
 Estate for life, 18, 19
 Estate for term of years, 18
 Estate in fee, 17
 Estate in fee simple, 17
 Estate in future, 32
 Estate in praesenti, 31
 Estate in tail, 18, 19
 Estoppel, 142, 143
 Estoppel by holding out, 123-127
 Estoppel, feeding the grant by, 26-31, 123
 Et done clandestine sunt semper suspiciosa, 138
 Eviction, 343, 352
 Exchange, 164, 357, 358
 Exchange and part performance, 158
 Ex dolo malo non oritur actio, 143
 Executory contract, 47
 Executory devices, 74
 Executory interests, 24, 31, 70-74
 Expectancy, 24
 Ex turpi causa non oritur actio, 143
 Family arrangement, 21
 Family settlement and part performance, 158
 Fealty, 14
 Feeding the grant by estoppel, 26-31
 Fees from license, 48
 Fee simple, 16-18
 Feudal System, 13
 Fine, 14
 Fixtures, 8
 Floating Charge, 300
 Forbidden contract and part performance, 160
 Foreclosure, 235-239
 Forfeiture of a lease, 346-352
 Formalities of a lease, 318
 Frankalmoign, 15

- Fraud, 139-147
 Fraud, proof of, 137, 138
 Fraudulent transfer, doctrine of, 137-147
 Free alms, 14
 Free enjoyment, restriction on, 55-60
 Freehold, 16, 17
 Freehold estate, 14
 Freehold tenant, 13, 14
 Free services, 14, 15
 Free tenure, 14-16
 Future interests, 24, 62-85
 Future maintenance, right to, 34, 35
 Future debts, 187, 188
 Future property, 23
 Future rent, 47
 Gavelkind, 15
 General Clauses Act, 7, 10
 Gifts, 359-363
 Gifts under Muhammedan Law, 2, 5
 Good faith, 129
 Goods, 7
 Grand serjeantry, 15
 Grant, feeding by estoppel, 26-31
 Grass, 7
 Growing crops, 7
 Hindu Disposition of Property Act, 1916, 5
 Holding out, 123-127
 Holding Over, 323-328
 Holding under power of attorney and part performance, 155
 Holographic Will, 368
 Homage, 14, 15
 House and land, 42
 Hypothecation, 46
 Immovable Property, 7-11
 Implied covenants in a mortgage, 217-219
 Implied Waiver, 352
 Improvements, 128
 Improvements and accessions, 228-232
 Indian Contract Act, 1872, 3
 Indian Succession Act, 1925, 3
 Indivisibility of mortgage, 259-261, 291
 Infedatation, 13
 In gross, 67
 In *pari delicto potior est conditio possidentis*, 142, 143
 insolvent as ostensible owner, 124
 In specie, 12
 Insurance, 127
 Intangible property, 163
 Intention, 40-42
 Interest in land, 8
 Inter-vivos, 21
 Joint tenancy, 148
 Jus accrescendi, 148
 Justice, equity and good conscience, 3, 152
 Kinds of mortgages, 187-210
 Land and house, 42
 Land and goods, 12
 Latent defects, 333
 Law of Property Act, 1925, 14, 16, 17
 Lay tenure, 14
 Lease, 306-355
 Lease amount, 47
 Lease and licence, 312-317
 Lease by mortgagee to mortgagor, 191
 Lease, delivery of possession, 316
 Lease, determination of, 342-350
 Lease, duration of, 319
 Lease, formalities for, 318
 Leasehold, 12, 16, 17
 Legacies, 369-371
 Legal rights, 72
 Lessor and lessee, 306, 307
 Lessor and lessee — rights of, 330-342
 Lessor's right to transfer, 342
 Licence, Licensor and Licensee, 312-317
Licet dispositio de interesse futuro sit inutilis tamen fieri potest declaratio praececedens quae sortiatum effectum interveniente novo actu, 24
 Lien, 303
 Life estate, 19
 Life policy, 48
 Limitation, words of, 16
Lis pendens, 130-137
 Lord of the manor, 13
 Lunatics, 39
 Machinery, 44
 Muhammedan, 2, 65, 87, 106, 158, 187, 363
 Maintenance, right to, 34, 35, 123
 Majority, 38
 Malik meri matuka, 41
 Manor, 14
 Manorial Court, 14
 Manufacturing purpose, 320

- Marana patra**, 1
Marana sasanam, 1
Marriage, 15
Married women, restraint on alienation, by, 52
Marshalling, 184, 291-298
Merger, 304, 344
Mesne lords, 13
Mesne Mortgage, 275, 276
Mesne profits, 48
Military services, 15
Military tenure, 15
Mineral rights, 44, 307
Minor, 124
Minority, 38-39
Mortgage by conditional sale, 190-195
Mortgage by deposit of title deeds, 204-209
Mortgage debt, transfer of, 45
Mortgage, definition of, 187, 188
Mortgage, if immovable property, 11
Mortgage, implied covenants, 217-219
Mortgage, indivisibility of, 259-261, 291
Mortgagee in possession and part performance, 152
Mortgage money, 189, 258
Mortgagee, rights of, 233-246
Mortgagees, priority between, 270-273
Mortgages, consolidation of, 245, 246, 269, 270
Mortgages, kind of, 187-210
Mortgagor or mortgagee in possession, rights and liabilities of, 217-232
Mortgagor, rights of, 247-273
Movable property, 10
Negative and positive covenants, 57-62
Nemo dat quod non habet, 124
Norman Conquest, 12
Notice, 117-119, 305
Notice in cases of lease, 320-324, 352, 353
Nuncupative Will, 368
Occupancy right, 24
Office, 23, 36
Onus of proving fraud, 137
Open contract, 170
Oral contract and part performance, 157
Oral transfers, 211
Oral Will, 368
Ostensible owner, 124
Otti, 210
Partial redemption, 259
Part of profits, payment of, 59
Partition, 21
Partnership, share in, 48
Part performance, doctrine of, 152-162
Patent defects, 170
Payment in good faith, 127, 128
Payment into court, 185
Payment of money and part performance, 162
Pendente lite transfers, 130-137
Pensions, 23, 36
Per autre vie, 18
Periodic lease, 309
Period of tenancy, duration of, 328-330
Permanent lease, 309
Perpetual lease, 318
Perpetuity, rule against, 66-80
Personal action, 12
Personal enjoyment, 23
Personal inams, 34
Personalty, 12
Persons entitled to deposit mortgage money, 264-266
Persons entitled to redeem, 264
Petty serjeantry, 15
Pledge, 46
Positive and negative covenants, 57-62
Possession of leased property, 334, 335
Possibility of succession, 23-31
Post obit gifts, 1, 13
Power of attorney, holding under and part performance, 158
Pre-emption, right of, 34
Pre-emption suit and pendente lite, 137
Premium, 301, 311
Price, 164, 165
Prinogeniture, 13
Priority between mortgagees, 270-273
Privileged Will, 368
Privity of estate, 339
Profit a prendre, 8, 9
Profits and rents, 195-198
Profits from co-sharer, 48
Profits, part of, to be paid, 59
Proof of fraud, 137, 138
Property, 22
Property, destruction of, 127

- Public office, 23, 36
 Puisne mortgage, 210
 Purchase Money, 168, 176-179
 Purchase, words of, 16
 Quia Emptores, 13
 Quicquid plantatur solo, solo cedit, 42, 43
 Quiet enjoyment of leased property, 335, 336
 Qui prior est tempore potior est jure, 120, 272
 Quiet rent, 15
 Quod dolosus vesatur in generalibus, 138
 Quod nullius est id ratione naturali occupanti conceditur, 120
 Real action, 12
 Real Property Amendment Act, 1925, 13
 Realty, 12
 Reasonable wear and tear, 341
 Receiver, appointment of by mortgagee, 243-245
 Redeem up and foreclose down, 275
 Redemption, 247-257
 Re-entry, right of, 23, 32, 33
 Registration, 163, 164, 210, 211
 Registration Act, 7, 9, 164, 210, 211
 Relief, 15
 Relinquishment of lease, 338, 339
 Remainders, 31, 32, 63-65, 84
 Remoteness, rule against, 67
 Rent, 306, 311
 Rent, time and place of payment, 341
 Repairs to property leased, 337
 Representative character, 141
 Repugnancy, 102
 Requirement of writing, 48
 Restraint on alienation, 50-54
 Restriction on free enjoyment, 55-60
 Restrictive covenants, 57-62
 Resulting use, 73
 Reversions, 31, 62-79
 Revocation, 121, 122
 Revocation of Wills, 368, 369
 Right of baridar, 24
 Right of pre-emption, 34
 Right of re-entry, 23, 32, 33
 Right and liabilities of buyer and seller, 167-185
 Rights of lessor and lessee, 330-342
 Rights and liabilities of mortgagor and mortgagee in possession, 217-232
 Rights of mortgagee, 233-246
 Rights of mortgagor, 247-273
 Right to future maintenance, 23
 Right to maintenance, 34, 35
 Right to mesne profits, 35
 Right to redeem, 247-257
 Right to remove structures, 337
 Right to sue, 23, 35
 Right under contract, 35
 Rule against double possibility, 62-66
 Rule against perpetuity, 66-79
 Rule against remoteness, 79
 Salary, 23, 36
 Sale of Goods Act, 1930, 3
 Sale of immovable property, 163-184
 Sale without intervention of court of mortgage property, 240-242
 Sanyasi, 39
 Scutage, 15
 Securities, 40, 45
 Security for payment of auction money, 189
 Seisin, 62-77
 Seisin per my et per tout, 148
 Seller, rights and liabilities of, 167-185
 Service inams, 34
 Servient heritage, 33
 Share transfer, 144-147
 Share in partnership, 48
 Shifting interests, 70-74
 Shifting Use, 72
 Simple mortgage, 189, 190
 Soage, 15
 Specific Performance Suits and pendente lite, 136-137
 Spes successions, 21-32
 Springing interests, 70-74
 Springing use, 72
 Standing timber, 10
 State Government's power to extend or restrict Act, 3
 Statute of Uses, 1535, 13
 Statute of Wills, 1540, 13
 Statutory tenant, 325
 Stipends, 23
 Stridhanam, 1
 Structures, right to remove, 337
 Sub-*infendation*, 13, 15

- Sub-lease, 307, 356
- Sub-mortgage, 210
- Subrogation, 276-291
- Sub-soil rights, 44
- Surrender of lease, 343, 345
- Suspension of rent, doctrine of, 334, 335
- Tacking, 270-273
- Tangible property, 163
- Tenancy at will, 309, 324
- Tenancy for a term, 309
- Tenant at sufferance, 324
- Tenant, holding over, 324-328
- Tenant in capita, 13
- Tenant in chivalry, 14
- Tenant in possession, 12
- Tenant in possession and part performance, 152
- Tenants in common, 150
- Tender, 266
- Tenure in serjeantry, 14
- Tenant per militiam, 14
- Termor, 17, 309
- Terre tenant, 13, 14
- Testamentary disposition, 11
- Testamentary power, object of, 1
- Timber, 10
- Time and place of payment of rent, 341
- Title to property, sold, 174
- Transferable property, 23
- Transfer and convey, 263
- Transfer by operation of law, 4, 21
- Transfer in favour of a class, 80-85
- Transfer for necessity, 122
- Transfer inter vivos, 3
- Transfer of immovable property, 4
- Transfer of mortgage debt without registration, 45
- Transfer of Property, 2, 21-37
- Transfer of Property Act, 1882, 3
- Transfer of Property (Amendment) Act, 1929, 6
- Transfer of Property Act, Application to Muslims, 4, 5
- Transfer of Property Act, 1882, existing rights and remedies, 5
- Transfer of Property Act, 1882, exhaustive, 3
- Transfer of Property Act, 1882, if
- Transfer of Property Act, 1882, objects of, 3, 4
- Transfer, who can, 38, 39
- Transfer with conditions, 98-107
- Trees, 10
- Trust, 13, 165, 374-378
- Trusts Act, 1882, 3
- Unborn persons, 21
- Under-lessee, 356
- Undivided family, 148-150
- Unfree services, 13, 14
- Unfree tenure, 13
- Universal Donee, 362
- Unlawful transfers, 23
- Unpaid purchase money, 176-179
- Usufructuary mortgage, 195-200
- Vendor's lien, 176-179
- Vested interests, 90-97
- Vested remainder, 31-32
- Villeins, 13
- Waiver, 352-354
- Wardship, 14
- Waste, 226
- Water, drawing of, 8
- Wear and tear, 341
- Who can transfer, 38, 39
- Wills, 12, 13
- Wills Act, 1837, 13
- Wills, under Hindu law, 1, 2
- Wills, under Muhammedan law, 2
- Words of limitation, 16, 19
- Words of purchase, 16
- Writing, requirement of, 48-49
- Zuripeshgi lease, 199, 221, 281