

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter IV-A - Mortgage Types and Form

Chapter in 2 Minutes

Classify the mortgage correctly and match the instrument, registration and security-perfection route.

Provision map

- 58: Mortgage and types of mortgage defined
- 59: Mortgage when to be by assurance
- 59A: References include persons deriving title

Transaction controls

- ☐ Classify interest and transaction
- ☐ Verify title, litigation and encumbrances
- ☐ Confirm capacity, authority and consent
- ☐ Apply State stamp and registration
- ☐ Reconcile consideration, tax and possession
- ☐ Preserve closing and remedy evidence

Red flags

- ! Unclear title/authority
- ! Pending litigation or acquisition
- ! Unreleased mortgage/charge
- ! Wrong instrument or deficient stamp
- ! Possession before legal protection
- ! Uncontrolled limitation or forum