

FININ2MIN - TRANSFER OF PROPERTY ACT, 1882

Chapter IV-C - Rights and Liabilities of Mortgagee

Chapter in 2 Minutes

Select foreclosure, sale, money claim, receiver and possession remedies without exceeding statutory powers.

Provision map

- 67: Right to foreclosure or sale
- 67A: One suit on several mortgages
- 68: Right to sue for mortgage money
- 69: Power of sale without court when valid
- 69A: Appointment of receiver
- 70: Accession to mortgaged property
- 71: Renewal of mortgaged lease
- 72: Rights of mortgagee in possession
- 73: Right to sale proceeds or acquisition compensation
- 74: Repealed
- 75: Repealed
- 76: Liabilities of mortgagee in possession

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