

Gift

Synopsis

- **Gift' defined**
- **Essentials of Valid Gift**
- **Transfer how effected.**
- **Gift of existing and future property**
- **Case Laws**

Definetion

- **122. 'Gift' defined.** 'Gift' is the transfer of certain existing movable or immovable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee. Acceptance when to be made. Such acceptance must be made during the lifetime of the donor and while he s still capable of giving. If the donee dies before acceptance, the gift is void.

Essentials of Valid Gift.

- **1. There must be donor and donee**
- **2. Certain existing property**
- **3. Must be voluntarily and without consideration**
- 4. Transfer of ownership of property.
- 5. Property should be certain and existing ,either moveable or immovable.
- 6. Transfer should be without consideration.
- 7. Acceptance of donee.

CASE LAWS

- Blood relation between donor and donee having established, gift irrevocable. 1987SCMR1492
- • Gift deed by Muhammadan can be made orally, no registration compulsory. 1989MLD3210, 1987SCMR1403, AIR1927PC22
- 123. Transfer how effected. For the purpose of making a gift of immovable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses. For the purpose of making a gift of movable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery. Such delivery may be made in the same way as goods sold may be delivered.