



htestates

LAW BOOK

Sunil Tyagi

I am a person of Indian origin and hold a US citizenship. I have recently purchased a house in Delhi. Am I required to file any documents with the Reserve Bank for the same?

- Shantanu Roy

An NRI/PIO who has purchased residential/commercial property under general permission is not required to file any documents/reports with the Reserve Bank of India.

My father had purchased a flat in north Delhi from his own funds. My late father bequeathed the flat solely to my elder brother vide a registered will. Do I have a share in the flat?

- Sourabh Tomar

Since the said property was a self-acquired property of your father, he is free to dispose/bequeath it to anyone. You shall not be entitled to any share in the said property.

I have already executed a will but want to make some changes in it. Is it safe to execute a new will or will a codicil suffice?

- Rajini Sachdev

A codicil only amends a previously executed will. Hence, the intention of the testator has to be carried out in terms of the will read with the codicil. The codicil will not supersede the entire will. If you wish to make only a few changes in your will, it is simpler to execute a codicil instead of re-writing the entire will. Your codicil must clearly set out the changes in the manner of inheritance. If you wish to make many or significant changes

with respect to your heirs and manner of inheritance, you may execute a new will instead. Once executed, the new will shall be considered as your final will and shall supersede your previous will/s.

My widowed mother executed a gift deed of one of her properties in my favour a year ago, which was not registered. Thereafter, I allowed my mother and brother to stay in the property. Now my mother has expired and I have asked my brother to vacate the property. However, he has refused to do so. How can I get back possession of my property?

- Snigdha Shah

As per applicable law, gift deed of an immovable property is compulsorily registerable. Unregistered gift deed does not transfer and confer any title in the property in favour of transferee. Accordingly, you cannot claim title in the property on basis of the said unregistered gift deed. You may further note that since the gift deed is not registered and the time period for registration of a document as prescribed under the applicable law has already lapsed, the gift deed cannot be registered now.

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