



htestates LAW BOOK Sunil Tyagi

I have executed an agreement to sell with a builder for purchase of an apartment in a multi-storied tower in Ghaziabad. Is it mandatory to register this document?

—Akash Agarwal

As per the Registration Act, 1908 as applicable in the state of Uttar Pradesh, an agreement to sell is compulsorily registrable with the office of sub-registrar in whose jurisdiction the unit is located. Adequate stamp duty needs to be paid.

I have booked an apartment in a group housing project in Noida. I along with other members want to obtain copies of the title documents of the land on which the project is being developed. We requested the builder to provide the documents but he hasn't complied. What recourse do we have?

— Mithalesh Gaiwad

As per the UP Apartment Ownership Act, the builder is obliged to provide you with copies of title documents of the land and other project related documents. So, you can ask the developer to provide all the title documents. You can also file a RTI application with the Noida authority for obtaining copies of the title documents/lease deed in

favour of the developer.

I am buying a flat from a friend in Delhi and am currently occupied with the purchase formalities.

Although the flat is registered exclusively in my friend's name, some payment was made by his brother at the time when he purchased it. Now if I buy this flat from my friend, can his brother/brother's legal heirs raise any claim in the future?

—Anshu Kaira

If the flat is registered exclusively in your friend's name as its sole owner and his brother had extended some loan to help him purchase the property, neither the brother nor brother's heirs shall have any title, right or interest in the flat. If the registrar's records do not reflect the brother as being a joint owner, he/his heirs cannot claim ownership of the flat, despite the fact that the brother made some payment.

The author is a senior partner at Zeus Law, a corporate commercial law firm. One of its areas of specialisations is real estate transactional and litigation work. If you have any queries, email us at htestates@hindustantimes.com or ht@zeus.firm.in

