

Third party rights over profits from property

htestates LAW BOOK Sunil Tyagi

Claimants can get maintenance under Section 39 of the Transfer of Property Act

htestates LEGAL REMEDIES

Sunil Tyagi htestates@hindustantimes.com

Most of the times we hear of cases where the wife, children or dependent family members of a person make claims of maintenance out of the property owned by an individual.

Let us take an illustration of this situation. A is married to B. After few years of marriage A and B separate. The terms of separation as agreed between them mention that A, out of his specific immovable property, will pay for maintenance of B. However, in order to avoid paying maintenance to B, A transfers his property to his friend C by way of gift. C is not aware of the claims of B. Here, the question is: what rights and claims does B have against A and C? And what are the liabilities of C in respect of claims of B?

As per Section 39 of TPA where the transfer of property in favour of a transferee (ie C) is made out of gratitude, ie no consideration is paid by transferee to the transferor (ie A), then third party (ie B) rights can be enforced against transferee (ie C) even though the transferee (ie C) may not have prior notice of the same. Therefore, in the above illustration, B can enforce her rights to receive maintenance out of the profits of a property even when the property has been transferred by A to C. Also, absence of notice of B's rights in the property cannot be taken as ground by C to deny B's rights/entitlements.



rights/entitlements. However, this Section protects a bona-fide buyer who has purchased the property for consideration. This means that if the property is transferred to a person for consideration and that person does not have notice of any third party rights then such rights cannot be enforced against the buyer. For example, if in the above illustration A transfers the property to C by way of sale

I am going to purchase a single storey house with a new construction. After buying it, I want to construct another floor. For all my expenses I am going to take a loan of ₹25 lakh from a private financier. Will this money qualify for income tax rebates for principal repayment and interest paid? - Shuchi Bhagat

could be either expressed or implied, but where the rights are conferred by law, then same is presumed to be known by all. However, this Section does not stop or prevent a person from transferring his property. A person with immovable property is free to transfer his property to anyone. A person may also transfer his immovable property where a third party is entitled to receive maintenance from the profits arising out of

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? - Mithilesh Gaikwad

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



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

htestates CHEQUE BOOK Harsh Roongta

TO-LET NORTH DELHI

ASHOK Vihar 1st&2nd Floor for rent, 200sq yards, 3BHK, only for salaried people or Company Lease...

EAST DELHI

AVAILABLE 3 BHK Flat in IP Extension, Company Lease, South Indian preferred.

SFS Two Rooms/Baths, Drawing/Kitchen, SFR, Mayur Vihar, Phase-2, Pocket-B, Tastefully furnished. Co. Lease Preferred. Call: 09915031131.

DDA G.F. shop 12X10 Ft. at main entrance, Shopping Complex, Opp. Jeevan A. Hospital, Mayur Vihar-I. Available for ATM / MNC Lease Owner - 9968315306

ON Rent 3BHK Deluxe apartment Semi furnished Vasundhara enclave Delhi. Company lease preferred. Call: 8285666888

PATPARGANJ Ind. Area, 5600 sq. ft. Showroom/Office Space/Godown (LGF+SF), prime location on Rent/Lease, Plenty parking Space. # 9910344782

MAYUR Vihar (Patparganj)/Vasundhara Enclave (Indraprastha) Vastu hall/Kaushambi 2/3/4 BR/DDA/Society Flats Available/Wanted/9312155847 / 9311973700

COMMERCIAL SPACE FOR RENT

2300 Sq.ft Fully Furnished 2nd Floor & 2300 Sq.ft on Ground Floor with Lift, Power Backup.

PRIME LOCATION Vikas Marg adjoining to Nirman Vihar Metro Station Opposite V3S Mall.

COMMERCIAL Approved 1st, 2nd flr. Basement, Available for rent in Preet Vihar, Vikas Marg on Metro Station Red Light, with still parking area 2800 sqft. Each floor # Bhapinder 9873149512 mail: bsdorka12@gmail.com

WEST DELHI

CHAMBERS/ Rooms Avbl on Rent at Janakpuri Suitable 4 Doctor / Dentist/ Physiotherapist/ CA/Office use Reception, Telephone, Toilet, Avtd Dr. Sethi # 9899820955.

WORLD Trade Centre, Barakhamba Lane, 965 sqft, 4th Floor. M Block Market, GK-2, 1773 sq ft. Mezzanine Floor, 1773 sq ft. Contacting 9110508256

AVAIL fr rent 2000/1000sq.ft. Intra Encl. (Indraprastha) Vastu Rajouri Garden, Walking Dist from metro station. Bank, cinema, gym, Salon. Contact: 9959820763

FOR Rent Ramesh Nagar 2bhk 2 floor 100sq yard, Park Sun Facing Near Metro and Market. Suitable Class preferred. Contact Dr. Varun: 9313047251

PRITHIVIRAJ Road prime location 2 Bedroom suits person or couple contact: Dr. Usha Sabharwal 9810715823 23/10/170

WEST DELHI

FOR Rent 3 BR Toilet, DR, Mod Kitch, Lobby, Prkg, Park Facing, Pushkar Paschim Vihar, Outer Ring Rd, Nr. Metro & Mkt. Pwf MNC/Co Lease. 9990789393

PASCHIM Vihar/Punjabi Bagh any type of Accommodation with/without lease at Reasonable Rent. Amit Estate # 9971048888, 9654969696

OFFICE Space 1450 sq ft Furnished DDA SF A33, Janakpuri. Contact: 09560767973 Email: varsuub25@yahoo.com

COMMERCIAL Shop in Ramesh Nagar Main Mkt. 200 Sq.Ft. (Appx) Available For Rent. Suitable For ATM, Genics Salon Etc. Contact: 9210493553

JANAKPURI A-1 Block, 226 Sq Yd Newly Built Kothi's 1st Floor 4BR, D/D, Kitchen, Lift, Still Parking. Bank / MNC / PSU Lease Only. Contact: 9910009094

TO LET- D-80 Kirti Nagar, Ground floor, 4rooms set with 2 bathrooms, 2 kitchen available on rent. # sharma-9810378988 / 9711148949/011-25932970

1/2, East Patel Nagar, (Basement), nr Metro Stn, aprx. 4000ft. good location. Comm. approved MCD, for rent from Jan. 15. # 9810159406, 9810142392

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

NEWLY Built Kalkaji 3rd floor 3 to 6 Bedrooms at/baths Furn./Unfurn. lift., parking, S.C., for Col. Guest house. Contact: Owner-9310010098, 26435315

SOUTH Extn.-2, avail on rent 500 sq.yd. n.wly built, fully furn./unfurnished dsgr fr. Still parking, lift, pwr bk up, security. Owner # 971116212, 9899196855

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

NEWLY Built Kalkaji 3rd floor 3 to 6 Bedrooms at/baths Furn./Unfurn. lift., parking, S.C., for Col. Guest house. Contact: Owner-9310010098, 26435315

SOUTH Extn.-2, avail on rent 500 sq.yd. n.wly built, fully furn./unfurnished dsgr fr. Still parking, lift, pwr bk up, security. Owner # 971116212, 9899196855

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

NEWLY Built Kalkaji 3rd floor 3 to 6 Bedrooms at/baths Furn./Unfurn. lift., parking, S.C., for Col. Guest house. Contact: Owner-9310010098, 26435315

SOUTH Extn.-2, avail on rent 500 sq.yd. n.wly built, fully furn./unfurnished dsgr fr. Still parking, lift, pwr bk up, security. Owner # 971116212, 9899196855

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

NEWLY Built Kalkaji 3rd floor 3 to 6 Bedrooms at/baths Furn./Unfurn. lift., parking, S.C., for Col. Guest house. Contact: Owner-9310010098, 26435315

SOUTH Extn.-2, avail on rent 500 sq.yd. n.wly built, fully furn./unfurnished dsgr fr. Still parking, lift, pwr bk up, security. Owner # 971116212, 9899196855

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

NEWLY Built Kalkaji 3rd floor 3 to 6 Bedrooms at/baths Furn./Unfurn. lift., parking, S.C., for Col. Guest house. Contact: Owner-9310010098, 26435315

SOUTH Extn.-2, avail on rent 500 sq.yd. n.wly built, fully furn./unfurnished dsgr fr. Still parking, lift, pwr bk up, security. Owner # 971116212, 9899196855

SAKET Commercial Space 3000 Sq. Ft. (Furnished), Main Road, F.R. with View of Outab Minar, Next to Metro, Ample 50 Car Park. Owner 9811004081

SOUTH DELHI

SOUTH Delhi Independent Bungalow Four Five Bedroom Drawing/ Dining Lobby Lounge S.O. Car. lawn prkg # 29835250, 29835381, 981090702.

GK Enclave 2, 2nd Flr, 3 Sides open, park, 200 sq yd, 3 BR, 3 baths, D/D, kitchen, SQ, bath on terrace, 2 cars parking. Owner 9810745027, 29222161

SHANTI Niketan 3BHK, 2nd flr with AC, power backup, car pkg, S. Qtr. Anand Niketan 2 BHK, 1st Flr. Vasant Vihar, 3 BHK, Pawan Road. # 9350015425.

PRIME Prop. in Sardarjung Industrial, Opp. AIMS Training on 100 Ft Wide Road. 7000s.ft (5mmt-GF+FF+SF) Available Part/Full. Suits Primary Schol, Diagnostic Lab, Guest house, Embassy etc. 9654270909

LAJPAT Nagar-3 B'ment 2200 sqft fully furn. Individual cabin & work station also avail kit, facilities with park. Suits for CA, lawyer, NGO nr. metro. 9873786386

VASANT Vihar, 400, SF. Exclu. T. Grdn, D/D, 4BR, Fu, Kit, Lby, AI Split AC, FI Pwr Bkup, Lift, Ser Qtr. Pkg. Diplomats', MNC's. Owner: 9810260805

VASANT Vihar Gf 3 bedroom 3 bath D/D, kitchen and SF 2 bedroom flat. Contact: 9811087358, 2630368

SAKET D-132 Flr 3 beds, semi furn., parking avbl. Small family/working couple. Close to Metro station. Brokers excuse. Contact: 26853472

GREATER Kailash-2, brand New G.F. also T.F., with Terrace 3 BHK park facing Good location still parking. # Kumar 9818127581

OKHLA Industrial area 2-D-BHK ground floor, 2500sq. foot height 13 ft. wide road, ample power/ parking for industry/ service. storage cum office. 9810086960

PANCHSHEEL Enclave, 3rd flr, Lobby, 3BR, D/D, Lift, 1sq. singl. parking. For Lease / MNC. Contact: 011-26498668, 9970779149, 9810830353

FURNISHED Office Space at Hemkunt Chambers Nehru Place 1029 sq.ft available for rent. Contact: 991099289 / 986811830.

R-182, 2nd flr, Greater Kailash-I, semi furnished 2 Rooms, Attached Baths, Kitchen with Terrace, Nice Location. Owner # 9818630700, 9871453117

GREATER Kailash-I, all, 2no. Three, Four Beds D/D, lift, Bath reasonable rent (New/Del) Contact 4114108, 93131703-05, 9958762530, 8800819092

ELEGANT F.Floor, fully furnished & AC, 3 Bedroom, D/D attach Bath, Facing Garden in J-1860, CR Park (South Delhi). # Owner Khanna 9810156510.

SEMI Furnished Office space at Manjusha Nehru Place 480 sq.ft available for rent. Contact: 981099289 / 986811830.

DEFENCE colony 217 yds New 2nd Floor, 3 BR, D/D. Exclusive parking gate. Superb. cont. Co./ personal lease. Call: Realtech/ Ashutosh Bhogra 9819868866.

AVL for lease in GK 2 M-BHK Mkt unfurnished space. Suits Office/ Spa etc. On 3rd fl. 1800sqft, 4th fl. 1800sqft. D/D, Lift, 1sq. prkg. 9810155701, 9540006123

22, Nehru Apartments, Near Nehru Place, F.F., 2 BHK, D/D, 2 Baths, Terrace, Freshly Renovated, Company Lease. Contact: 9871984497

LAJPAT Nagar: Ground floor 2000 sq.ft., Basement 1000 sq.ft. Suitable for MNC's/ Food chains/ Banks. Call 9810055500

FRIENDS colony 450yds 3BHK 1.35Lac, N.F.C. 575 yds 4BHK 65L, South X Villa G/F+S 1.75Lac # Call - 9810612466

NEW Luxurious 5 Bedrooms Duplex Flat in Sarita Vihar A Block New Delhi. Owner +91-8527939368

MAIN GK-1 Rd. 3500 SQFT FF, For Professional/Doctor, School, Day Care, Guest House, etc. Mob: 9899533943

GURGAON

Available on Rental Clean New Building 1800 sq mt & built up 35000 Sq Ft approx area. With 10000 sqft Basement + 3 Floors, will provide all tenant improvements Sector-6, IMT Mansarovar, Gurgaon. Contact 9810199492

SCF 28 Sector 4 HUDA market Gurgaon, Base/GF/1st /IInd Newly Built parking open on profit sharing. 99878990111

OFFICE Space - 10500 SQFT. For Lease in Ambience Corporate Tower GGN Nr Leela Hotel & Rapid Metro Stn. on N.H-8 Delhi Border. Contact: 98107125588

FULLY furn. new luxurious 5 BR Dup. House with home theater on 500 sq.yd. Plot (FF & 2nd flr.), Area 5000 sqft. At South City-1 # Owner 9910327133

TOILET Spa-1 Tech Park, Sohna Rd, Office 1600 sqft., A.C., 25 Work Stations, 3 Cabins, LAN, 2nd Floor, high quality furnishings. Owner: 9560755395

FOR Lease 3500 SFT space for IT Ec/GF&F, 45 wkn str each fr fully furnished, power backup, AC, Conf rooms etc at V.P. Ph-5, Ggn, Nr Trident #. 9811004699

RENT Furn Off 1052F Dir. Cabin, Conf room, Recptn, 6 Work Stn., Prntry Suncity bus. Twr, Golf Course Rd Facing. Ggn. 98111487792/9792069

READY TO MOVE IN SPACE AVAILABLE For Call Centre/office With AC, Power Backup, Parking & Cafeteria Facility at Delhi & Gurgaon Anand: 8130976234 011-49154400 ananddev57@gmail.com vmianand57@gmail.com

FULLY Furnished 2 Rooms, set with big terrace, 2nd floor, Bungalow at Palam Vihar, Lease prfd. Cont. Vikram # 9899566777

RAHEJA Atlantis, Sec-31, Gurgaon, Area 2311 sqfeet, 18th Flr, Ultra Modern 3BHK with Servant Qtr Flat for Rent # 9811220075, 9811852001.

GURGAON Sohana Road, Park View City-1, Flat, D/D, 4BR With Attached Bath, Servant Qtr, Company Lease. M. 981079080, 9891836383, 99328954975

FOR Rent 40,000 sq.ft. covered Area and 40,000 sq.ft. open Area Ready to move for Rent in Sahibabad Site 4 at Prime Location. Cont: 9212347852

UTTAR PRADESH

"FACTORY space on rent at Muzaffarnagar 7 Acre land (35 Bigha) on National High way with boundary wall approved for foreigners / guest house/MNC. # YDatt 9192122019

Readers are recommended to make all enquiries and seek appropriate advice before acting on any advertisement appearing in this publication. Any subscriber sending money, incurring any expenses or acting on any medical recommendations or entering into any commitment in relation to any advertisement published in this publication, shall do so entirely at his/her discretion, intelligence and risk. The Company, Publisher or any of its employees do not vouch for any claims made by the Advertisers of products and services and shall not be held liable for any damages, loss, consequences, suffered by any person on account of relying on such advertisements.

For Lease Available on Lease Fully Furnished 4190 Sq. Ft., having excellent view with four car parking spaces and located on 10th floor in Park Centra, the best building of Gurgaon on National highway with very good approach while coming or going to Delhi. Email: ozarind@gmail.com Contact 9810077796

DLF PH 1 Fully Furnished 200 yds indep. 2 story House with 2 BHK, 4 Baths, 2 D/D, Front Back Courtyard Foreigners/Co. Lease prfd. #9810128438/9999982198

OAK Wood Estate DLF Ph-II, 3 Bed /Drawing/Dining fully furn. top class ready to move suitable foreigners / guest house/MNC. # 9811059882, 9910349009

Available FOR LEASE "VATIKA TOWER" Golf Course Road, Gurgaon

Entire 5th Floor Fully Furnished Super Area 14313 sq. ft. 14 car parkings For long lease Please contact: 9810146685 9312960153 mohan@keindustries.com

3 BHK Duplex Flat FF & SF, Facing North Close to GK-II Mkt. With Servant Qtr Car Parking Front & Driveway W-block, Gk-II New Delhi 9818642266 9810356664

Commercial Space 2800-6800 +Roof at South Extn. Ring Rd wid Lift, Parking for Office, Food Chain, Instnt. Amar Nath & Asso. 9810123237, 9810023237

Commercial Space 2800-6800 +Roof at South Extn. Ring Rd wid Lift, Parking for Office, Food Chain, Instnt. Amar Nath & Asso. 9810123237, 9810023237

DEFENCE COLONY

325yds 1st, 2nd, 3rd floors Furnished 7 Split AC's 2 ton 100% Power Backup Lift, Inside Parking SQ & Terrace Satish Marwah 9811089155 (Brokers welcome)

FULLY Furnished Basement for Rent in South Delhi Opp. Nehru Place 1800 Sqft. Approx wide main Road + parking. Cont: 9811526256, 9819841515

FURNISHED 3 Bedroom Attach Bath D/Room with 3 Acs Gas, Suitable for Guesthouse. Contact: 233 Sukhdew Vihar Pk-B, Hashmi 9313991306

ANAND Niketan 2nd floor fully renovated, 3 sides open, 3BR, Att. Bath, modular kitchen, lobby, 2 enclosed balconies, servant quarter. #9871407160

LAJPAT Nagar-II, Comm. 1500 sq.ft. Furnished 5/6r, Master Plan Road Facing, Good Loc. Near Metro Stn. MNC's/Others # 2981550895, 29812390 B/O. Wel.

NIZAMUDDIN, Fully Furnished 3 BR D/D, Lobby, Lounge, Servant Qtr Car parking MNC/ Ltd. Co. Lease on Mathura Road. Contact: 9873907916

VASANTKUNJ 3 BHK, 2 BHK, D/D, 4 AC's, P a r t i y furnished, 2yrs lease. Ph 8800169331.

SHANTI Niketan Four Bedrooms, four bath, drawing/dining, lounge, servant Qtr. parking # 29835170, 29843023, 29835250, 981090702.

ON Rent Broad Building, Showroom / Office Freshhold 1200 sqft + 1200 sqft @ Outer ring road near Nehru Place flyover. Call 98110138361

C.R. Park Brand New 160 yds FF 3 BHK 4 AC's, Lift, Still Parking Mod. Kitchen, S. Qtr. Co. Lease / MNC Prefs. # 995821-0895, 9911004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.

SAKET 250 yds, opp PVR, F.F.R 3Beds, D/D @ 48K, CR Park 160 yds, G.F.R 3 Beds, D/D @38K, GK-II, G.F. Furn 3 Beds, D/D @45K, Dilip Deb # 9810502620

DEFENCE Colony / GK-I, II / 4BR, Park Facing, Owner. Rent 60K - 1.5L. Available for Sale also # 981004390, 9999983166.