



htestates

LAW BOOK

Sunil Tyagi

I am planning to take a flat on lease in Ghaziabad. Is one required to pay stamp duty on security deposit? Should the landlord be liable to pay this amount?

—Suman Gupta

Under the Uttar Pradesh Stamp Act, 2008, stamp duty in a transaction of lease of immovable property is required to be paid on the amount of security deposit too. Unless both lessee and lessor have agreed to a different arrangement in the lease deed, as lessee, it would be your responsibility to pay stamp duty applicable on lease deed.

I am the sole and absolute owner of a plot. I plan to sell three-fourths area of the plot to my brother, and to continue having ownership of the remaining area. Am I required to hand over the entire chain of original title deeds to my brother?

—Siddhart Dutta

As you plan to retain your ownership in a portion of this property, you shall be entitled to retain possession of the chain of original title deeds of the entire property.

Under the mixed use norms in Delhi, can I open both a shop and a small office in my residential property?

—Tarun Malhotra

Under the provisions of the Master Plan of Delhi 2021, only one kind of mixed use activity is permitted in one

dwelling unit at any given point in time. Hence, it shall not be permissible for you to open both a shop as well as office from the dwelling unit.

We are a Hindu family with my mother and sister. My father died without making a will. During his lifetime, my father purchased a house out of his own funds. After my father's demise, his brother is claiming a share in the said house. Can my father's brother claim any share in the house?

—Shekhar Sharma

Since the said house was purchased by your father out of his own funds, this was his self-acquired property. As per Hindu Succession Act, 1882, you, your mother and your sister are class I legal heirs, and in the absence of any will by your father, each one of you will get one third share in the said house and other self-acquired properties of your father.

Your father's brother being a class II legal heir has no right in the said house or other self-acquired properties of your father.

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 hstates@hindustan-times.com or ht@zeus.firm.in

THINKSTOCK

