



LAW BOOK

Sunil Tyagi

I have agricultural land which was notified for acquisition in 2005. Since I did not receive any compensation till 2012, I approached the court for cancellation of the acquisition proceedings against my land. The matter was sub-judice when the new land acquisition law was enacted. Will it apply retrospectively to my case? Would the land acquisition proceedings considered lapsed against my land as no compensation has been paid so far to me for such acquisition?

- Kaushal Grover

Yes, the new Land Acquisition Act covers all the pending cases of the land acquisition under the old Act. If five years have lapsed since the land acquisition and no compensation has been paid, then as per the provision in the new land acquisition Act named The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the land acquisition proceedings will be deemed to have lapsed.

The genuineness of my grandfather's will has been challenged by my uncle in the high court. My grandfather had prepared an unregistered will, which was signed by him along with two witnesses. According to the will there are two witnesses, one witness passed away but another wit-

ness is ready for testimony. Can testimony of one witness validate our will? If not, then what should I do?

- Jatin Bisht

In cases where only one of the witnesses is alive, a will may be proved by the evidence of one witness when it comes to genuineness of the will.

I own a freehold residential plot and constructed a building thereon in Delhi. For purchasing a new house, I want to take a loan from a bank against my existing house by creating an equitable mortgage. What is the amount of stamp duty that I will be required to pay in this regard?

- Lokesh Jain

For creating an equitable mortgage (ie mortgage by deposit of title deeds), it is sufficient to deposit the original title deeds / documents of the property being mortgaged with the bank/ mortgagee. No stamp duty is payable in Delhi if equitable mortgage is created by simply depositing the title deeds.

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