



## htestates law book

SUNIL TYAGI

We have a property in Delhi. After the death of my father, my mother became the owner of this house. It comprises ground floor and three other floors. My mother passed away recently leaving behind her will in which she has bequeathed the ground floor and the first floor to me and the second and third floor to my younger brother. There is no dispute between me and my brother regarding the same. Can you guide us about the legal process to be followed to get these floors mutated in our names?

—Rohit Kumar

You may approach the office of municipal corporation under whose jurisdiction the property is situated and apply for the mutation of the respective floors of the said property in your and your brother's name respectively on the basis of the will left behind by your mother. Also, once mutation is effected you can approach the electricity and water department for transfer of the connection(s) in your respective names.

I have executed a gift deed of my house in favour of my son. I wish to know if the same requires to be registered. If yes, then is there

any time limit prescribed for the registration?

—Gopal Das

Gift deed of immoveable property may be effected only by a registered instrument by paying adequate stamp duty and signed by the donor and attested by at least two witnesses. Gift deed can be registered within a time period of four months from the date of execution of document. However, in case of urgent necessity or unavoidable accident, if the document/instrument is not presented for registration, then the sub-registrar has the power to consider and condone delay up to four months, subject to payment of fine.

I have booked an apartment in an under-constructed group housing project in Gurgaon along with my son who is 21 years old. Now I wish to make my wife the co-owner in place of my son. Can this be done?

—Prakash Lalit

The substitution of your wife in place of son depends on the allotment terms/buyer's agreement and also that your son has no objection to such substitution. If substi-

tution or transfer is permissible under allotment/booking terms, you may apply to the developer to make any person the new co-owner.

I stay in a cooperative group housing society in Delhi. There is seepage of water in my flat. The plumber identified the reason as leakage in pipe in my neighbour's flat. Despite requesting my neighbour to repair the leakage, no action has been taken by my neighbour for the same. What remedy do I have?

—Naresh Malik

Under Delhi Cooperative Societies Act, 2003 you can approach the management committee of the group housing society for help. The management committee is under obligation to carry out inspection of the flat within 15 days, and if satisfied the committee may advise your neighbour to take corrective steps immediately. If no action is taken within seven days, the committee can carry out the repair work with police assistance and cost of repair can be recovered from your neighbour.

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