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SUNIL TYAGI

My father-in-law died last year leaving behind some immoveable properties and bank balances. My mother-in-law is alive. My wife has one elder brother. My in-laws are not in touch with my wife. Recently, we came to know that her elder brother is planning to sell all the property left behind by my father-in-law. So our query is, how can my wife claim a share in the property? And what are the steps and procedures involved?

— Ashok Kalyan

Presuming that you are a Hindu and that your father-in-law has died without leaving a will, your wife can claim a share of his properties as his legal heir and ask for partition of the same by filing a suit for partition in the competent court of law.

My nephew, who is 35 years old, is mentally challenged. We have to incur huge expenses for his treatment. He has an immoveable property in his name that we propose to sell for meeting the expenses for his treatment. But as he is incapable of entering into the contract, what should we do to sell the property that is in his name?

— Gyan Taneja

You may file an application with the appropriate district court seeking appointment as a manager in respect of his property. In case the district court is satisfied after conducting investigation that your nephew is, in fact, mentally challenged and is incapable of managing his

property, then the district court or the collector of the district on the direction of such district court may appoint a suitable person as a manager for the management of the property. The manager has the power to execute conveyance on his behalf after obtaining prior permission of the court.

On the basis of the will of my grandfather in which he transferred his movable and immovable properties in my favour, I inherited a residential plot situated in Rajendra Nagar, West Delhi. I thought I was the lawful owner and spent a lot of money on the construction of a two-storey house on the plot. Later, my uncle came up with the claim that he was the rightful owner of the property as per the gift deed in which the said property had been gifted to him by my grandfather. What are the remedies/options available to me?

— Balbir Singh

Since you carried out the construction believing in good faith that you are the owner of the said property, you are entitled to recover the entire expenses incurred on the same from your uncle who is the rightful owner of the same.

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