

**htestates****law book****SUNIL TYAGI**

I am a non-resident Indian (NRI) and own a residential property in Delhi. I wish to transfer the same to my relative who is an Indian citizen who resides outside India? Am I allowed to do so?

- Sameer Pande

Yes. It is allowed. As per Foreign Exchange Management Act (FEMA) regulations, a non-resident India (NRI) can transfer any immovable property (other than agricultural land or plantation property or farm house) to an Indian citizen resident outside India or a person of Indian origin resident outside India

I have made a gift of an immovable property in favour of my daughter. The gift deed has been duly registered and attested. However, I have reserved the right to use the property and to receive the rents from the property during my lifetime. Is such a conditional gift valid?

- Siddharth Mehta

As per the Transfer of Property Act, delivery of possession is not an essential prerequisite for making a valid gift in case of an immovable property. A duly executed gift deed whereby absolute title in the gifted property is transferred from donor to donee, with the right to retain possession and received rents therefrom, constitutes a valid gift.

I am a 32-year-old working woman. I am Hindu by religion. I

live with my minor son who is eight years old. My husband expired a few years ago. The residential property in which I and my son reside was inherited by my son from his grandfather a few years ago. Am I, being his mother, entitled to mortgage the said property for a loan?

- Sonali Gupta

As the said property is in name of your minor son, you may create a mortgage on it only after obtaining prior permission of the court as per provisions of Hindu Minority and Guardianship Act, 1956.

I am a resident of Delhi but presently settled in Pune. I have property in Delhi which is my self-acquired property. I had leased out the property to a tenant and he has informed me that a new electric meter needs to be installed as the old one is giving a faulty reading. Can I give a power of attorney to the tenant?

- Shikha Khare

You may execute a special power of attorney in favour of your tenant for acting in your behalf for the specific purpose of replacing a faulty electric meter.

The author is a senior partner, ZEUS Law Associates, a corporate commercial law firm. One of its areas of specialisation is real estate transactional and litigation work. If you have any queries, email us at htestates@hindustantimes.com

