



htestates law book

SUNIL TYAGI

I booked an under-construction flat in 2014 in a project sold by the builder under a particular name. Now the builder is selling flats in the same project under a different name. Since all the documents executed by the builder in my favour are under the project's earlier name, does such change in name have any bearing on my ownership?

—B R Kumar

As a good market practice, the builder should have given a written intimation to all allottees of the project about change in name of the project. You may approach the builder seeking clarification about change in name of the project. A mere change in the name of the project shall not affect your ownership rights in the flat.

I have given my house on lease to an individual. However, he has now further leased the house to a third party without my knowledge or consent. Is he entitled to sub-let the same?

—Dinesh Singh

The lessee's right to sub-lease the house depends on the terms and conditions of the lease deed. If there is no express prohibition in the lease deed on sub-letting the whole/or any part of the house, then the lessee shall be entitled to sub-let the same.

My uncle wants to gift his property in my favour but he is bedridden and unable to visit the sub-registrar's office for registration of the gift deed. Is there any alternative for getting the gift deed registered?

— Santosh Singh

As this is an exceptional circumstance, your uncle may move an application showing special cause with the office of the concerned sub-registrar/registrar. The authorised officer will then visit your uncle's residence and accept the gift deed for registration.

I have given my 2BHK house on lease. He has constructed a wall in the master bedroom and converted the house into a three BHK without my knowledge or consent. Is that allowed?

— Deepak Shah

As per law, the lessee must not, without the lessor's consent, construct any permanent structure on the leased property. This is a breach of tenancy and you may file a suit for eviction of the lessee.

The author is 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.

