



LAW BOOK

Sunil Tyagi

I am a 25 year old male who lives with his father in his apartment and it's his self-acquired property. My mother passed away a few years ago. I have two sisters who are happily married. Can my father sell the flat without our consent? Also please clarify that if my sisters would have any rights in the flat after my father's demise?

- Sabnam Tyagi

As you mentioned that the flat is your father's self-acquired property, he is fully entitled to transfer the said flat to any third party without your consent. If your father executes a will in respect of the said apartment then after his demise the property shall devolve in the manner as specified in his will. However, in case your father dies without leaving a will then after his demise all his legal heirs, including you and your sisters, shall have an equal share in the apartment.

My younger brother and I (being the only legal heirs) inherited a house and a shop (in equal shares) from our father. Subsequently with mutual understanding, I surrendered my share in the house and my brother surrendered his share in the shop by executing two separate duly registered release / relinquishment deeds. At present the market value of the house is much higher than the shop. Is it possible for

me to cancel the release made by me?

- Jagdeep Shah

Since the release / relinquishment deeds executed by you and your brother are duly registered, the release by you of your share in the house and release by your brother of his share in the shop are legally complete and cannot be cancelled.

My father had made a gift of an apartment in the name of my minor son. We now wish to sell it and invest in a bigger property. Is it necessary to seek the court's permission before selling this apartment as I have heard it is a time-consuming process?

- Amanpreet Kaur

Yes, since the absolute and sole owner of this property is a minor, it can only be transferred after you (as guardian of the minor) have obtained written permission from the courts to do so. The court may permit transfer of this property to any third party on conditions as the court may deem fit.

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