



## htestates law book

SUNIL TYAGI

If my brother are the joint owners of a residential property we inherited from our mother who died last year leaving a will bequeathing equal share in the property to both of us, one of us will live on the top floor and my brother lives on the ground floor. The first floor was leased out but the tenant will vacate the premises next month. My brother is planning to execute another lease deed on his own with a new tenant. Is it legally valid to execute a lease deed for a new tenant without obtaining consent from the other co-owner?

- Manoj Chander

In case of a property which is in joint ownership with two persons, a divided interest in the property, a lease deed cannot be executed by a co-owner without the consent of the other co-owner of a property.

If my father owned a residential property in Gurgaon and executed a

will for the same. The will was in the name of my elder brother who is now beneficiary of the entire property. He now wants to divide the property of our deceased father, including the residential plot which is in his name, between the two of us. What should we do?

- Samudra Gupte

Your brother may execute a gift deed/transfer deed duly registered with the sub registrar's office in your favour for the specified share of the property. Upon registration of gift deed, you will become the owner of the specified share in the said property.

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