



htestates

LAW BOOK

Sunil Tyagi

**My father (Hindu by religion) in his will, bequeathed one of his houses solely to my son who is a minor. I wish to lease the flat to a prospective tenant. Are there any restrictions regarding the same?**

**- Sumant Sharma**

As per the prevalent laws, your son being a minor is not competent to deal with the property in any manner. However, you being a guardian are allowed to lease the property on behalf of your minor son after obtaining permission from court of applicable jurisdiction.

Further, you may do so for a term not exceeding five (5) years or for term that does not exceed a year after the date your minor son obtains majority, whichever is lesser.

**I am a person of Indian origin and also a citizen of USA. I wish to purchase a house in Delhi. Am I allowed to do the same? Can the purchase be done using my bank account which holds Indian rupees?**

**-Shikha Shukla**

A PIO can purchase property in India other than agriculture land/farmhouse/ plantation property. The purchase can be made out of funds received by inward remittance through normal banking channels or by debit to his NRE/FCNR(B)/NRO account.

**My husband is a member of and owns a flat in a Cooperative Group Housing Society (CGHS) in Delhi. I wish to purchase a flat in another CGHS in Delhi out of my own income and funds. Please advice.**

**-Tarun Kant**

Under the Delhi Cooperative Societies Rules 2007, a person whose spouse or dependent child is a member of any CGHS is not eligible for admission as a member to any other CGHS. Since your husband is already a member, you are disqualified from acquiring membership in another CGHS.

**We are a Hindu family with my mother and sister. My father died without making a will. During his lifetime, my father purchased a house out of his own funds. After my father's demise, his brother is claiming a share in the said house. Can my father's brother claim any share in the house?**

**-Shekhar Sharma**

Since the said house was purchased by your father out of his own funds, this was his self-acquired property. As per Hindu Succession Act, 1956, you, your mother and your sister are class I legal heirs, and in the absence of any will by your father, each one of you will get one third share in the said house and other self-acquired properties of your father.

Your father's brother being a class II legal heir has no right in the said house or other self-acquired properties of your father.

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