

**htestates****LAW BOOK**

Sunil Tyagi

My brother and I had jointly purchased a property five years back. My contribution towards the consideration of the property was more than my brother. Now I want the property to be divided and would like to know how exactly the extent of our individual shares in the property will be determined?

—Sanjay Singh

In case of purchase of property by joint (co-owners), share of each co-owner is specifically recorded in the title documents (sale deed). In the absence of sale deed specifying the extent of share of each co-owner, interest/share of each co-owner shall be equivalent to the extent of his/her contribution towards purchasing the immovable property. Since you have contributed more towards the property, your share will be proportionately more than your brother. However, in the absence of evidence showing extent of contribution by you, it may be presumed that your brother and you have equal share/interest in the property.

My late mother has bequeathed her house to me for life and thereafter to my child. However, I wish to sell the house. Is sale of the house permitted?

—Smita Shah

As per your late mother's

will, your interest in the house is created only for your lifetime and you have acquired a right to use and enjoy the house during your lifetime. You cannot sell the house to any person. Your child will inherit the house after your demise.

I am a NRI and own a farmhouse in Chattarpur. I wish to gift the same to my relative who is a foreign national? Am I allowed to do so?

—Ranjit Sinha

As per FEMA regulations an NRI/PIO (who has acquired a farmhouse as per provisions of FEMA) can gift an agricultural land/ a plantation property/ a farmhouse in India only to a person who is a resident in India and who is a citizen of the country. Thus, you cannot gift your farmhouse in India, to a relative who is a foreign national without obtaining prior written approval of the Reserve Bank of India.

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