



htestates

LAW BOOK

Sunil Tyagi

My sister and I inherited an equal share in our father's residential property. She wants to transfer her share in my favour. How can she do so? Please advice.

– Namrata Sharma

Your sister can transfer her share in your father's residential property in your favour either by executing a gift deed in your favour for which you will not be required to pay any consideration. In case your father has not left any other legal heir other than the two of you, she may execute a relinquishment deed for which you may or may not pay her any consideration.

I am a foreign national residing in Macau and often come to India for work trips. Can I buy a residential apartment in India?

– Shanti Singh

As per Reserve Bank of India's latest notification, being a foreign national of Macau, you may not acquire/purchase residential immovable property without the prior permission of the RBI other than a lease, not exceeding five years.

My father passed away recently, without leaving a will. My mother pre-deceased him and I am his only son. We are a Hindu family. Now, his brother is staking claim to a residential property belonging to my father where I still reside. Does he have a right to do so?

– Naveen Chand

From your question we presume that the property is a self-acquired property of your father, in which case your father's brother is not entitled to any share in the said property.

I had purchased a newly constructed flat as an original allottee. Although it has only been less than a year since I received possession, cracks have begun to occur in the walls. Is the builder entitled to charge me for carrying out repair works?

– Sangha Shah

As a standard practice, most buyer agreements provide for a defect liability clause wherein the developer undertakes to rectify and repair, at his own cost, any construction and other material defects that may appear within a defined period following handover of the property. This period usually varies between one to two years after possession, provided such damage is not a result of the owner's acts/omissions. You may check whether you are covered by this defect liability clause.

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