



LAW BOOK

Sunil Tyagi

My wife and I jointly owned certain properties located in Delhi and Mumbai. Before passing away, my wife executed and registered a will bequeathing her entire share in the properties in my favour. Now I want to get the properties mutated in my name. Do I need to obtain a probate for the will?

- Sagar Arora

For mutation of the properties located in Delhi, it is not mandatory to obtain a probate for the will.

However, for mutation of the property which is located in Mumbai, a probate is mandatorily required.

I want to purchase a plot of land located in Delhi. The property dealer has said that the seller will execute an agreement to sell, a will and a power of attorney in my favour for transfer of the property. Will execution of above mentioned documents in my favour be sufficient for valid transfer?

- Smita Shah

Presuming it is a freehold plot, for transferring the said plot in your favour, executing and registering a sale deed is compulsory. Execution of an agreement to sell, a will and a power of attorney are not sufficient for transferring a valid title of an immoveable property.

I had booked a flat in Noida with a reputed builder. Due to the order of the National Green Tribunal, the complex has not received completion certificate despite construction being complete. Now the builder is asking



us to take provisional possession. Can I do so?

- Mitali Sharma

As per the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010, an apartment may be transferred by the promoter to any person only after obtaining the completion certificate and executing and registering an appropriate transfer deed.

I am exchanging my property with my friend and for the said purpose we are executing an exchange deed. Do we need to pay any stamp duty on it and if yes, then who would bear such stamp duty?

- Sagarika Menon

Stamp duty is payable on transfer of property from one hand to other. In case of exchange deed to be executed the stamp duty is liable to be paid by both your friend and you equally.

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