



## LAW BOOK

Sunil Tyagi

**My brother and I had inherited my father's two-storey property. My father's will asked for my two sisters to be appointed joint executors. One of my sisters is not willing to act as an executor. Can the joint executors of a will act 'jointly' or can they act in their several capacities?**

**–Mohan Rastogi**

One of the executors may file a petition seeking renunciation of executorship by the other executor.

**I have booked an apartment in an under-construction group housing project in Gurgaon along with my son who is 21 years old. Now I wish to make my wife the co-owner in place of my son. Can this be done?**

**–Suresh Guman**

The substitution of your wife in place of your son depends on the allotment terms/buyers' agreement. Also, your son should not have any objection to such substitution. If substitution or transfer is permissible under allotment/booking terms, you may apply to the developer to make any person as the new co-owner.

**I have executed a will by which I have bequeathed my property to my son and wife. I wish to name my son as the executor of the will. Am I allowed to make my son the executor of my will, who is also a beneficiary?**

**–Gaurav Harun**

You may make your son the executor of the will. There is no restriction on making

the beneficiary as the executor of the will.

**I have executed a will. However, due to certain changes in circumstances, I wish to make a new will. Am I required to have the same witnesses as the old will?**

**–Sagar Jha**

There is no requirement of the same witnesses to be attesting the new will as well. You may execute your new will witnessed by two new witnesses.

**I own a house in Gurgaon. Since I don't have children, I wish to gift the house to my niece. Are there any stamp duty exemptions for the same?**

**–Mrinalini**

As per notification passed by the Haryana government in July 2014, stamp duty payable on transfer of property by an owner to any blood relation (ie father, mother, children, grandchildren, brother(s), sister(s) and between spouse) has been exempted. Since your niece does not come under the definition of blood relation, there is no exemption towards the stamp duty leviable on the gift deed executed by you in her favour.

*The author is a senior partner at Zeus Law, a corporate commercial law firm. One of its areas of specialisations is real estate transactional and litigation work. If you have any queries, email us at [htestates@hindustantimes.com](mailto:htestates@hindustantimes.com) or [ht@zeus.firm.in](mailto:ht@zeus.firm.in)*