

**htestates****LAW BOOK**

Sunil Tyagi

My son is 12 years of age. I want to purchase a property in his name. Can I do the same? What precautions should I take before going forward?

—Vikram Kapoor

There is no legal impediment in purchasing and registering property in the name of a minor. But since minors have no contractual capacity, the documents for purchase of property in your son's name should be signed by you as his guardian on his behalf. However, if in future you intend to sell this property before your son attains the age of a major, then you have to seek prior permission from the court.

The lease of my rented apartment of which I am a lessee expired a month ago. However, my landlord is not returning my security deposit. I do not wish to vacate the apartment until my landlord returns my security deposit. Is this legally allowed?

—Rohit Chawla

Upon termination of lease, a tenant is supposed to hand over the property back to the owner and non refund of security deposit by owner cannot be taken as a ground by the tenant for retaining possession of property. Additionally, retaining/holding over property after expiry of term of lease may render you liable for payment of rent. Hence, as a tenant, you have a remedy to approach the court against

your landlord and file a suit for recovery of money. However, this is further subject to the terms of your lease document.

Our residential home in Delhi was earlier in my father's name and after his death my mother became the sole owner of our residential home. My mother died last month and through her will, she bequeathed the residential home in my favour. Now, how do I get the residential home mutated in my name in the records of municipal authorities? Just to clarify, I am the only child of my parents.

—Ankit Jain

To get the property mutated in your name, you need to apply to the municipal authority by filling the required form/application and submitting requisite documents such as mother's death certificate, title document in favour of mother, copy of will, updated property tax receipts, affidavit, indemnity bond etc along with applicable fees. It is advisable that you contact the concerned authority for seeking all details or hire services of a professional in this regard.

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 hstestates@hindustantimes.com or ht@zeus.firm.in

