



htestates

LAW BOOK

Sunil Tyagi

My siblings and I had jointly inherited our deceased mother's property over two decades ago. All this while, I have been living abroad. Meanwhile my siblings' families have been using and occupying this property. I recently approached them for separation of my share. However, they did not agree to a partition on the premise that, given the passage of time from our mother's demise, I had in essence abandoned my share. Am I entitled to seek partition?

— Akash Kedia

The right to seek partition of one's joint and undivided share in a joint property is a continuing right. As the remaining joint owners have not agreed to a mutual and amicable partition, you may file a civil suit for partition of this property at any time, irrespective of the time period that has lapsed since your inheritance.

I am the owner of a large residential plot in Delhi. Can I lawfully bifurcate this plot and treat them as three equal and independent plots?

— Suman Jain

Under the Master Plan for Delhi 2021, it is not permissible to bifurcate or sub-divide a residential plot into smaller independent plots. However, it is permissible to transfer an individual share of free-

hold plot in favour of another.

Over six months ago, I had entered into a lease deed for a term of five years. Due to various unavoidable circumstances, the lessor and I were unable to get this lease deed registered. How should we proceed?

— Anshu Saxena

As per the Indian Registration Act, 1908, a lease deed having lease term exceeding 11 months is required to be compulsorily registered within a period of four months from the date of its execution. Nevertheless, in exceptional cases where the delay was due to unavoidable circumstances, an additional period (up to a maximum of four months) may be granted by the registrar, on payment of the prescribed fine and depending on the facts and circumstances. You may file an application in this respect with the relevant sub-registrar's office within whose jurisdiction this property is situated.

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 or ht@zeusfirm.in

