



LAW BOOK

Sunil Tyagi

I executed an agreement to sell my property in Delhi to a gentleman. He paid around 10% of the consideration as earnest money but is now refusing to execute the sale deed and pay the remaining consideration. What remedy do I have?

—Sahil Mukherjee

Depending on the terms and conditions of the agreement to sell, you may forfeit the amount already paid by him and terminate the agreement to sell.

Alternatively, you may approach the appropriate court of law for specific performance of the agreement and get the sale deed executed.

I have booked an apartment in a group housing project being developed in Noida. I along with other members want to obtain copies of the title documents of the land on which the project is being developed. We requested the builder to provide us with the documents but he hasn't done so. What recourse do we have?

—Geet Chopra

As per the Uttar Pradesh Apartment Ownership Act, the builder is obliged to provide you with copies of title documents of the land and other project related documents. So, you can ask the developer to provide all the title documents. You can also file a RTI application with the Noida Authority for obtaining copies of the title documents/lease deed in favour of the developer.

I had booked an apartment in a project by a reputed builder in

Gurgaon in July 2010. The possession was promised within 36 months. However, till date the construction is nowhere near completion. I have been regularly making payments and am also spending on rent for my current living premises. What should I do?

— Sumit Soni

You may approach the builder and seek possession at the earliest along with compensation for delayed possession with interest on the same for the period of delay. If the builder does not adhere to your request, you may approach the appropriate consumer forum seeking relief.

My father in a state of drunken stupor, executed a will bequeathing some immoveable property in favour of his friend. Now, after my father's death, his friend is claiming the share in the property based on the will. What recourse do I have?

—Saras Jha

You may challenge the will in the appropriate court of law if your father while executing the will was in a state of mind, arising from intoxication, due to which he was unaware of what he was doing and, thus, was incapable of making the will.

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