



htestates

LAW BOOK

Sunil Tyagi

I recently registered a lease deed. However, I noticed that the property details are not correctly mentioned in the deed. Am I allowed to correct the error? How can I do it?

—Ravi Bhaskar

Once a document is registered, any additions, omissions, rectifications and modifications in the document is possible only through a rectification deed. A nominal stamp duty is payable on the rectification deed. Further, such a rectification deed must be duly registered with the concerned sub-registrar.

I have entered into an agreement to sell for buying a property in Delhi. In terms of the agreement to sell, I have also made a payment amounting to 90% of the total consideration. I am in physical possession of the property. However, before I could complete the payment, the seller has refused to move forward with the sale and wants to evict me from the property. Do I have any remedies against the seller?

—Dhiman Sahi

The provisions of Transfer of Property Act, 1908, protect the buyer who has in furtherance of agreement to sell received possession of property and is willing to fulfill his obligations with respect to the sale. This remedy is available only in the case the agreement to sell is registered. However, you can still file a suit for specific performance of agreement to sell and seek execution of the sale deed in your favour. Further, you may please check when the agreement

to sell was executed and if the time limit prescribed for registration of an instrument under the applicable law has not lapsed, then you may get the agreement to sell registered.

My widowed mother executed a gift deed of one of her property in my favour a year ago, which was not registered. Thereafter, I allowed my mother and brother to stay in the property. Now my mother has expired and I have asked my brother to vacate the property. However, he has refused to do so. How can I get back possession of my property?

—Gauri Kumar

As per applicable law, it is compulsory to register the gift deed of an immovable property. Unregistered gift deed does not transfer and confer any title in the property in favour of the transferee. Accordingly, you cannot claim title in the property on the basis of the said unregistered gift deed.

You may further note that since the gift deed is not registered and the time period for registration of a document as prescribed under the applicable law has already lapsed the gift deed cannot be registered now.

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@zeus.firm.in

