



LAW BOOK

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I am a 65-year-old man. I had executed a will in 2005 and bequeathed all my properties to my heirs. The will was duly executed and registered with the office of the concerned sub-registrar. I have acquired certain new properties after 2005 which I now wish to hand over to my heirs. Do I need to execute a new will or make changes in the old will? Please advise

– Shankar Mansingh

If you wish to make some minor changes to an earlier will, you may write a codicil to the will. The codicil should clearly provide a reference date and other details of the earlier will that you now wish to modify. It should also clearly state which portion of the earlier will you wish to amend and to what extent. A codicil will also have to abide by the same legal requirements as the execution of the will.

I have entered into an agreement to purchase a house from two brothers who have equal and undivided share in the house. There is a family feud that has ensued among the brothers and they do not seem to agree on anything. One of the brothers is willing to sell his share but the other one is not. What are the options before me as the date of the final payment is nearing soon?

– Alakrit Ghosh

In this scenario, you can seek specific performance of the agreement to sell/contract against the sell-

ers by approaching the appropriate court. If you do not wish to purchase the house then you can claim damages from the sellers for non-fulfilment of their obligations, provided the same has been incorporated in the agreement to sell.

What is the rate of stamp duty and registration fee payable for a gift of immovable property in Delhi?

– Sargam Shah

In Delhi, the duty rate payable on a gift deed of an immovable property which is gifted in favour of a woman is 4% of the total value of the gifted property (out of which 2% is for stamp duty and 2% for corporation tax).

Whereas duty rate payable on a gift deed of an immovable property gifted in favour of a man is 6% of its total value (3% for stamp duty and 3% for corporation tax).

Currently, the registration fee for a gift deed of an immovable property in Delhi is 1% of the total value of the gifted property.

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