



htestates

LAW BOOK

Sunil Tyagi

I live in Delhi in a three-storeyed joint family property with my two brothers. I wish to seek partition of the immoveable property. Which is the appropriate court of law to institute a suit for partition?

- Piyush Sahdeva

Before filing a suit involving immoveable property, two factors have to be kept in mind. Firstly, the location of the property to ascertain the territorial jurisdiction and, secondly, the value of property to ascertain the pecuniary jurisdiction. On the basis of territorial and pecuniary jurisdiction, the appropriate court is ascertained. In Delhi, where immoveable property is valued at ₹20 lakh or more, a suit for partition is to be instituted in the High Court of Delhi. And where value of immoveable property is less than ₹20 lakh, the suit shall lie before the district court under the jurisdiction of which the immoveable property is located.

I have taken a house on lease for a period of three years. However, before the expiry of the lease, my landlord has sold the premises to a third person. My new landlord wishes to execute a fresh lease deed of the premises. Is this permissible?

-Cara Singh

After the sale of the leased premises, rights of your previous landlord stand transferred in favour of your new landlord. Execution of a new lease deed depends upon the terms and conditions of the existing lease deed exe-

cuted with your previous landlord. If the lease deed provides for execution of a new lease deed in the event of transfer/sale of property during the term of lease, you will have to execute a new lease deed. Otherwise, the existing lease deed will continue and the new landlord will step into the shoes of the existing landlord.

My mother (Hindu by religion) was the owner of a house. I have a brother and sister. My mother died without making any will. Does my sister have any right in the house? If yes, can she relinquish her share in the property only in my favour?

- Meet Singh

As per the applicable laws, all three of you (ie your brother, sister and you) have inherited equal undivided share in your mother's house on her death. As regards to relinquishment by your sister of her share in the property, she can relinquish it, but not in favour of a specified person, to the exclusion of others. If your sister wishes to transfer her share only to you, to the exclusion of your brother, she may do so by executing a gift deed of her share in the property in your favour.

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