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| How ownership of immovable property is acquired by a person? |
| Ans | A person may acquire immovable property in any of the following way (i) By inheritance of ancestral property. (ii) Through will. (iii) Acquisition by oneself such as purchase etc. (iv) Through gift, trust, settlement deeds. (v) Grant, sanad / Inam by the Government Through decree of Court. There are two ways of acquisition:  1.By act of parties.  Example: Purchase, gift etc.  2. By operation of law  Example: Inheritance, decree of Court etc. (for details please see Transfer of Property Act, 1882 (Central Act)) |
| Q 2 | Is it necessary to register in Office of the Sub Registrar to get khata transferred in respect of property acquired by inheritance? |
| Ans | Not necessary. After the death of owner of a property his heirs, such as wife, children i.e. male and female, married or unmarried may get the Khata transferred on production of death certificate of the owner with details of property held by him to the following officers.  If property is an agricultural land - Tahasildar (See Sec.128 of Karnataka Land Revenue Act, 1964) Offices of Corporation, Municipality, Panchayat or City survey if such office exists. |
| Q 3 | Which are the documents requires to be compulsorily registered? |
| Ans | 1. Gift deed of immovable property.  2. Other non-testamentary instruments, which purport or Operate to create, declare, assign, limit or extinguish whether in the present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;  3. Non testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extension of any such right, title or interest;  4. Leases of immovable property from year or for any term exceeding one year, or reserving a yearly rent;  5. Non testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish whether in the present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;  6. The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2000 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A |
| Q 4 | How to effect partition of .property? |
| Ans | a. If all the parties have share (common right) in the property partition can be effected. If partition is effected through an instrument such instrument must be compulsorily registered.  b. Oral partition affected through memorandum submitted to the concerned authorities need not be registered.  c. Stamp duty has to be paid in respect any kind of partition whether it is to be compulsorily registered or not.  d. Parties to the partition may agree to effect partition of unequal shares. |
| Q 5 | When there are two or more heirs, can one or two be made full owners by others taking money in lieu of their share? |
| Ans | a) Yes. Any of the co-owners can individually or collectively release his / their right in favour of one or more collectively as the case may be and make him / them full owner. This kind of release can be with or without payment of money. This document is called Release.  b) Release can be made not only in case of inherited property but also in case of joint purchase/acquisition. |
| Q 6 | What is a will? |
| Ans | A testamentary document by which a person bequeaths his property to be effective on his death is a will. The property will devolve on the person in whose favour it is bequeathed after death of testator. |
| Q 7 | Who can execute a will? |
| Ans | a) Any person above the age of 18 years and mentally sound may execute will, but will caused by fraud or coercion or by importunately will not be valid. Therefore a will must be executed voluntarily.  b) Parents or guardians cannot execute will on behalf of minors or lunatics.  c) Attestation by minimum two witnesses is necessary.  d) Scribe (deed writer / advocate) cannot be called witness. Two independent attesting witnesses other than the scribe or necessary.  e) Beneficiary under a will should not sign as attesting witness. In order to avoid disputes in implementation of a will, description of property and the beneficiaries should be clearly be written without giving room for any doubt. |
| Q 8 | Is it compulsory to register a will? |
| Ans | It is not compulsory to register. Executants may register at his option. It is better to register the will. If original is lost a certified copy can be obtained from Sub-Registrar Office. |
| Q 9 | Where can the will be registered? |
| Ans | It can be registered in any office of the Sub Registrar in India |
| Q 10 | Is there any time limit to register a will? |
| Ans | There is no such time limit |
| Q 11 | Can a will be cancelled? |
| Ans | The testator can cancel his will at anytime during his lifetime. Such cancellation deed requires a Stamp duty of Rs.100-00 |
| Q 12 | Can a registered will be rectified or changed? |
| Ans | If executant of a will wishes to rectify, add to will may do so during his lifetime. This is called codicil. This document does not require stamp duty. |
| Q 13 | Can a will be registered even after death of testator? |
| Ans | Yes, claiming party under the will have to produce will, records relating to the death of the testator, witness and the scribe before the Sub Registrar. If Sub Registrar is satisfied about the truth and genuineness of the execution of the will, he will register. |
| Q 14 | What is the Stamp duty and Registration fee to register a will? |
| Ans | There is no Stamp duty on will deed. For registration of will during the life time of the testator Rs.200-00 Registration fee prescribed. To register the will after the death of the testator Registration fee of Rs.200-00 and enquiry fee of Rs.250-00 is prescribed. |
| Q 15 | Is the certified copy of a registered will available to any body? |
| Ans | A certified copy of a registered will is available to the testator only during his lifetime. After his death anybody can obtain after producing proof of death of testator. |
| Q 16 | How to keep contents of a will confidential? |
| Ans | Will can be deposited in a sealed cover in office of the District Registrar. A fee of Rs.1000-00 prescribed to deposit will in a sealed cover. Depositor or authorized person (executor) can withdraw the sealed cover containing a will, if desires to do so. A Registration of Rs.200-00 prescribed. |
| Q 17 | What is the procedure to obtain the sealed cover containing a will after the death of the depositor? |
| Ans | On making an application along with proof of the death of the depositor, District Registrar will open sealed cover in the presence of the applicant and it will be registered. Certified copy will be issued if desired. A fee of Rs.100-00 prescribed to open a sealed cover. |
| Q 18 | What is the procedure for change of khata of the properties obtained through will? |
| Ans | After the death of the testator person claiming through the will have to apply to the concerned authorities as explained in question no.2 along with the copy of the will and death proof. |