

Purchase property from a women whose husband is passed

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06 December 2018

anand sagar
(Querist)

Hi,
 I am planning to purchase a property from women whose husband has passed away. The property is transferred from husband(after expired) to his wife. i.e. they has varas hakka pramanpatra(legal learship certificate issued by court). this couple has 5 children(4 daughters(1 has expired), 1 son(he is diversified now),). all of them are married. Can you please clarify my below queries:
 1. if i purchase property from widow women, does children have any rights on property? while purchasing it, son is ready provide witness(ready to sign on sale deed) etc.
 2. if widow women has legal learship certificate(varas hakka pramanpatra) does it mean that she has all right to sale her property or do i need to take hakk sode certificate from their children? or is it ok take her children as vendor in sale deed?
 3. is it mandatory to hakk sode certificate from her children?

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Kumar Doab
(Expert)

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'Buyer Beware' applies to property deals. It shall be appropriate to get proper legal opinion from a very able LOCAL senior counsel of unshakable repute and integrity specializing in revenue/property/civil/DRT matters and well versed with LOCAL applicable rules/laws and having successful track record.... and worth his/her salt , before signing or making payment. This may cost some FEE but can defend long term interest and hard earned monies.

Your counsel can opine on title being good from 1st owner till last deceased title holder ..



Kumar Doab
(Expert)

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Is the said legal heir certificate issued only in the name of spouse (widow) and does IT not include the name of children..?

Which personal law applies in your case?
Are all involved Hindu?
The said property is agricultural land, rural, Urban, or it is a building?
Have the deceased left any valid WILL?
As per your post all children are married as on date of death?
The property is in which state?
Confirm!

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Kumar Doab
(Expert)

Apparently IT is simple case of inheritance.
Succession opens on date of death; by inheritance or by testamentary succession (by valid WILL).
In case of Hindu male dying without disposing her estate/property in her life time by a valid/registered deed the 1st right is of Class I legal heirs i.e Mother (if alive as on date of death), Wife (if alive as on date of death), sons, daughters.....

The authority under whose jurisdiction property falls has a set procedure for such matters if NO WILL has surfaced; Intestate Succession.....and the prescribed forms, procedure, process is available in O/o Authority and even on website. Death certificates, legal heir certificate/affidavit (per local procedure-precedence) are basic requirements. Then authority shall act upon and transfer the ownership in the name of legal heirs. Obtain copy of updated mutations records showing share of legal heirs. This grants rights equal to that of owner to legal heirs. All legal heirs are at liberty to relinquish/release/transfer/gift/sell their share in anyone's favor. Or partition amicably by boundaries and register the deed. Why only son should sign on sale deed? Why not all children including married daughters? In case of any difficulty take help of well wishers and a very able LOCAL counsel.

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Kumar Doab
(Expert)

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You may take help for any matter from, elders of your family, competent and experienced well wishers, seasoned PIP's, helpgroups, community leaders, NGO's, experienced colleagues, associations, religious scholars/leaders, influential persons, Employee's/Trade union leaders, help groups for spouses (Husband/wife) etc and find a very able LOCAL counsel specializing in concerned filed of law e.g; Succession/Civil matters as in your case, and well versed with LOCAL applicable rules, precedence, latest judgments etc and worth his/her salt, can advise you after examining all case related docs, inputs, evidences on record. Obtain proper legal opinion in writing! Avoid acting on your own on hearsay. One should not fall for IT's and entities loitering at online portals to allure unsuspecting querists. There are many threads on such instances at LCI also.

Online discussions are not substitute to in person discussions with a very able counsel of unshakable repute and integrity specializing in concerned field of law.

One should not fall for IT's and entities loitering at online portals to allure unsuspecting querists.....the personal details of unsuspecting querists/citizens get stored in databanks/compromised.....hacked.

Such IT's and entities keep on popping up at online portals with fake and new ID's after their old ID's are permanently blacklisted/shunted out and money fleeced from unsuspecting is finished.

There are such very able counsels at each location.

Check for such counsels at LOCAL; Civil Courts, HC, SC,..

You can also try for FREE legal Aid from Legal aid center (DLSA) that is usually within LOCAL courts complex..preferably from a very able counsel specializing in Succession/Civil matters.

Your counsels may opine that you can appear on 1st date, and obtain copies of petition etc to reply laterand inform the court that you shall be engaging a counsel and appear thru your counsel....Or your counsel can appear and obtain copies of petition etc and reply later or your new counsel can appear for you.

Your counsels can advise after examining all docs/record/inputs pertaining to your matter and help you. You can also search threads on similar query in SEARCH option ON left Hand side of threads in Forum/Experts section. Having learnt a lesson, remember to consult beforehand for your matters or any matter about which you are not properly informed.

There have many instances of such entities operating with multiple fake Id's at online portals.

The FEE of all LOCAL counsels at all LOCATIONS is not high/unreasonable as mis-believed by many.

Many counsels even at State Capital/Metro towns do not demand unreasonable high FEE.

IT is rather at online portals that unsuspecting querists are mislead as per many publications, by IT's and Entities that pose as some Lawyer (actually LIAR) and flaunt/advertise firms that are not Law Firms (Actually LIAR's Firms) to believe that LOCAL counsels are not knowledgeable..are incompetent.

In Reality the LOCAL counsels win cases in LOCAL courts at all LOCATIONS.

You can go thru/search the cases contested by any Lawyer at court website.



🕒 06 December 2018

Generically speaking; In case of matters involving dispute/doubt one should insist upon succession certificate/registered deed e.g; relinquishment etc

and/or all legal heirs should sign as seller..

Kumar Doab
(Expert)



🕒 09 December 2018

Since the woman (vendor) have acquired all rights from her sons and daughters, as stated by you, she has become absolute titleholder/ owner, she is competent to sell it all alone without any consent, permission or approval of other LRs of deceased husband.

Before finalisation of deal get the documents qua property validated/ verified by a local prudent lawyer, in your own interest.

Dr J C Vashista
(Expert)



🕒 12 December 2018

Your 1st post/query was (until or unless IT was modified by you before post of Vashistaji);

“Hi, I am planning to purchase a property from women whose husband has passed away. The property is transferred from husband(after expired) to his wife. i.e. they has varas hakka pramanpatra(legal learship certificate issued by court). this couple has 5 children(4 daughters(1 has expired), 1 son(he is diversified now),). all of them are married. Can you please clarify my below queries: 1. if i purchase property from widow women, does children have any rights on property? while purchasing it, son is ready provide witness(ready to sign on sale deed) etc. 2. if widow women has legal learship certificate(varas hakka pramanpatra) does it mean that she has all right to sale her property or do i need to take hakk sode certificate from their children? or is it ok take her children as vendor in sale deed? 3. is it mandatory to hakk sode certificate from her children?”

Kumar Doab
(Expert)

Did you modify the query? My hunch is that you did not! I may be wrong.
So confirm!



Kumar Doab
(Expert)

🕒 12 December 2018

Regret IT is not understood from the query as IT existed/exists in thread; how and when the said woman in query has acquired all rights from her sons and daughters?

The Varas Hakka Pramanpatra (legal heir certificate as in query) is issued in the name of all legal heirs of deceased title holder. As per your post IT is issued by court. IT might be succession certificate. Check and confirm if IT is issued in the name of said lady as in query only? If yes, then on what grounds and facts?

Rather you are asking to get Hakk Chod patra that could be another LOCAL term for relinquishment deed and that may have to be/should be preferably, registered.

If succession certificate is issued in the name of Lady as in query only then what is the need of Hakk Chod patra?

Moreso, on what grounds and pleadings court has issued said Varas Hakka Pramanpatra in the name of Lady alone as in query?

In the absence of relinquishment by other legal heirs how can said lady in query, sell without consent, permission, approval of other legal heirs (LR's)?

Everyone may Pls Post queries and posts to enlighten
Not to entertain
Not for time pass

Subsequent to query and posts, posted to help you ; Your own very able LOCAL counsel as already advised above, can advise you in person, after examining all docs, inputs in person. Obtain proper legal opinion in writing.
Do share the written legal opinion of your own very able LOCAL Counsel.



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