



Transfer of property from deceased owner to legal heirs

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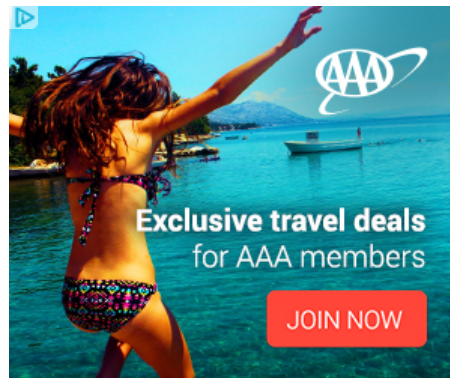
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06 December 2018

Rohit (Querist)

My Father has a property in Ballabgarh, Faridabad. But property in not mutated till now. Unfortunately, my father passed away in 2009. So i need to transfer the property from my father to my mother and siblings. So in the absence of mutation of property, What should i do to transfer the property as well as i also want to mutate property now and one thing also that we all are hindus and there is no will available made by my father. What will be procedure and charges for this? Any help would be appreciated.
 Thanks
 Rohit



06 December 2018

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Isaac Gabriel
(Expert)



**KISHAN DUTT
RETD JUDGE**
(Expert)



Kumar Doab
(Expert)



Kumar Doab
(Expert)

🕒 06 December 2018

Dear Sir,
First get heirship certificate and/or succession certificate and thereafter file representation before concerned revenue/local authorities for transfer of property.

Please mark "LIKE" if satisfied by my answer.

👍 Message likes : 1 times

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Which personal law applies in your case?
Are you all Hindu?
Have the deceased i.e. your father left any valid WILL?
Confirm!

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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

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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.

 Message likes : 1 times



Dr J C Vashista
(Expert)

What is the property involved, ie, agriculture land, plot, house, residential industrial or commercial etc. etc. ?

What were you doing since the year 2009 when your father died till the end of 2018 ?

What is the hitch/ problem/ obstruction in getting mutation sanctioned, if you have ever approached revenue authorities/ municipality ?

Consult a local prudent lawyer with relevant documents for better appreciation of fact, analyses, guidance and proceeding.

👍 Message likes : 1 times



Kumar Doab
(Expert)

🕒 12 December 2018

Until or unless there are some SoP in O/o Authority the authority may update the mutations or may ask you to fetch order from court of law.

Pursue RTI route if deemed fit.

Subsequent to query and posts, posted to help you ; If required in your case, 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.

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