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Legal heir's for married Hindu male property with surviving wife major children and parents

6 months ago 11 Replies

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I want to purchase property of deceased Hindu male with surviving wife major children and parents. Please guide me and tell me how to execute Sale deed and who will be signatories for sale deed

CH Nalini devi

house wife

Points: 60

Reply



6 months ago



When you wanted to invest huge amounts in property, always avail the services of local advocate to protect your investment. Obtain opinion in writing by producing the link documents available with the seller. Prefer that Bank's counsel, if you wanted to avail a loan from that Bank. Never depend on online advises as several documents require close scrutiny.

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G.L.N.
Prasad ▾

Retired
employee.

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🕒 6 months ago



Vijay Raj
Mahajan ▾

Advocate

👍 Likes: 880

Points:

13697

His wife/widow, all his children and his mother will have to sign the Sale deed.

↩ Reply

🕒 6 months ago



Mervyn Vivek
▾

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All the remaining survivors have to sign the sale deed .

↩ Reply

6 months ago



Shashi Dhara

Likes: 202

Points: 3074

U first collect the genuiness of property documents con firm that whether they hAve mortgaged or any charge created on property. Is if it is agricultural property it may be bind by PTCLACt. All legal heirs consent is necessary.any

Reply

6 months ago



Kumar Doab

FIN

Likes:

2445

Points:

146378

'Buyer Beware' applies to property deals.

It shall be appropriate to get proper legal opinion from a very able LOCAL senior counsel of unshakable repote 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 own LOCAL counsel can opine on title being perfect from 1st owner/title holder onwards to the deceased last owner/title holder

Reply

6 months ago



You have posted that deceased was Hindu and has sutviving spouse, parents, children.

Kumar Doab



FIN

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The surviving mother (out of parents as posted in query) being Classl legal heir has equals share. Father has NO share, not being Classl legal heir.

The children are major or minor?

The daughters were married as on date on death of deceased?

The said property is agricultural land, rural, Urban, or it is a building?

Have the deceased left any valid WILL?

The property is in which state?

Has the family submitted death certificate/legal heir certificate/Succession Certificate etc to the O/o Authority to update mutation records and updated mutation records are available?

Have you obtained proper legal opinion in writing?

Confirm!

↩ Reply

🕒 6 months ago



Kumar Doab



FIN

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🕒 6 months ago



Kumar Doab



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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.....

IT is mandatory to probate the WILL in the areas of Bombay, Calcutta, and Madras.

IT is not mandatory to probate the WILL in other areas. IT is not mandatory to register the WILL.

The WILL should just be valid. Unregistered WILL can be acted upon.

The last valid WILL prevails.

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.

The authority under whose jurisdiction property falls has a set procedure for such matters if the WILL has surfaced; Testate Succession.....and the prescribed forms, procedure, process is available in O/o Authority and even on website. Certified copies of the WILL, death certificate, legal heir certificate/affidavit (per local procedure/precedence) are basic requirements. The authority may ask for NOC from legal heirs (other than beneficiary) and/or to release newspaper advt and/or may write to legal heirs to submit their objections if any within set time.

If there is NO contest to the WILL by any legal heir then authority shall act upon the WILL without any cloud on it and transfer the ownership in the name of beneficiary.

If WILL is contested it lands up in probate court of pecuniary jurisdiction. The court shall decide on validity of WILL.

The legal heirs may also consider perspective of registered family settlement after the WILL and register it.

Check locally and comply with procedure. Thereafter concerned official in the O/o Authority e.g; Patwari, shall act upon the matter and transfer the ownership by inheritance/probate in the name of legal heirs in mutations records.

Thereafter obtain copy of updated mutation records.

For partition by boundaries either decide amicably (best recourse) or take help of other elders of the family or panchyaat or court of law..

If WILL is not submitted to be acted upon then it becomes matter of succession per personal law that applies.

Although it is wrong since the WILL exists.

Total likes : 1 times

↩ Reply

🕒 6 months ago



Kumar Doab

FIN

👍 Likes:

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146378

Generically speaking; All ClassI legal heirs may sign the sale deed, being title holder of their share (if they are as per correct records) and/or consenting witnesses (if anyone has disposed the share in anyone else's favor) etc etc.

However, If due diligence is done and proper proecedure is followed you can mind your interest (as sought in your query) in best possible manner.

Your LOCAL counsel as already suggested above can help and guide you the best.

From other threads IT can be guessed that you have faced issues involving disputes, legal angles. By now you must have become properly informed and alert.

Rest is upto you.

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