



Filing a suit against tenant for eviction?

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Q. In the circumstances as clarified by you in Mail Today on February 2, '08, do you feel that the GPA holder can present the papers before Sub-registrar for registration of the property? In case his request is not entertained favourably, what precautions should the GPA holder take by way of WILL, etc., to ensure that property rights are transferred to legal heirs after death of GPA holder?

— Dharam Pal

A. Every Instruments are guided by its tenor. This is the same case with the GPA also. If the tenor/content of the GPA authorises the holder to execute further

instruments/documents, then he can always execute and register the same.

Q. I have given my flat on rent to a company for a period of three years with a clause for increase in rent after every three years. Now, four years have gone and the company has not increased the rent as agreed and is delaying the vacating of the flat. Can I file a suit for eviction of the company? I would like to mention that the lease deed was not registered to save the stamp duty.

— Arnav Chaudhury

A. A suit can always be filed against the

company for eviction. But an unregistered lease deed cannot be read as evidence in a court of law or in a civil suit for eviction for the want of registration although it can be used for corroboration. You will face difficulty on this count.

Q. Is it safe to buy properties being auctioned by the banks?

— Keshav Rai

A. Although the Securitisation Act arm the banks with the right to sale the property of the defaulting borrowers, it is advisable before buying to get all the due-diligence, enquiries and verification of litigations pending, if any, done.

Tier II and Tier III cities would be a wise decision but do check the location, facilities and features before investing.

Q: I am a Delhi based owner of a departmental store. What would be the impact of opening up of FDI in retail on retail properties in India?

— Rajbir Yadav, Delhi

A: FDI in retail will result in entry of foreign players and thus, higher demand for retail space. This will also result in consolidation of industry and higher mall revenues. This will boost retail capital values in India.



Write to us for any queries on real estate investment at realtyqueries@mailtoday.in

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