

No. 81

Dated: 30-3-16

**ORDER**

**Transfer of property of CHB on the basis of testamentary succession/on the basis of WILL: -**

Under this policy the rights/title/interest in the property of CHB are transferred in favour of the beneficiary(ies) of the WILL of the deceased allottee/transferee. This policy will apply where the deceased has executed any testamentary documents i.e. Will/Codicil etc. in respect of the property.

As per law, the registration of WILL is optional, so the WILL may be duly registered with the Sub-Registrar or it may be unregistered.

**Registered WILL: -**

In case, the deceased Allottee/Transferee has executed a WILL and it was duly registered as per Law, then the original WILL be submitted to the department and there is no need to produce/submit the affidavit(s) of the attesting witnesses of the WILL.

However, in case of any doubt, then the affidavit(s) from the attesting witnesses may be submitted. If any one of the attesting witnesses has died or is not capable to give an affidavit, then, the proof of the incapacity may be submitted. If both the witnesses have died or are not capable to give a statement, then the applicant may get the probate of the WILL from the Court.

**Unregistered WILL: -**

In case, the deceased Allottee/Transferee has executed an unregistered WILL, then the applicant must obtain the probate certificate of the WILL from the competent Court of Law.

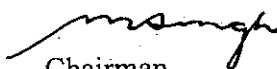
**General Conditions:-**

1. The property in question must be transferable through WILL as per law.
2. There should not be any dispute/litigation regarding the title of the property.
3. There should not be any dispute/litigation regarding the genuineness/validity of the WILL of the property.
4. If the property was mortgaged or any loan has been obtained from the property, then the necessary confirmation /No Objection Certificate/ permission from the concerned bank / financial institution etc. regarding the transfer of property in favour of the legal heirs must be submitted. In this case the property will be transferred subject to the prior charge of financial institution/bank.
5. All the pages of Application Form and the documents submitted should be signed, with the date duly affixed.
6. Death Certificate of deceased allottee/transferee/legal heirs etc. should be submitted in original. In case, the death certificate is not available as per records of the concerned authority, then, the necessary confirmation from the concerned Authority and two affidavits from the relatives or from the persons who knew the deceased

person, should be submitted. The affidavits should clearly establish the fact of the death. The valid identity proof with photograph of the deponents (who is giving affidavits) must be submitted along with affidavits.

7. In case of more than one WILL, then the property will be transferred on the basis of the WILL executed later in time.
8. The property will be transferred strictly as per the desire of the executor of the WILL.
9. The applicant(s) must be competent to contract i.e.
  - of sound mind
  - of the age of 18 years or above(major).
  - is not disqualified from contracting by any law to which he is subject.(A minor/insane through a guardian/authorized person can apply).
10. The WILL must be with respect to the property in question i.e. the identity of the property must be clear from the wording of the WILL.
11. All outstanding dues upto the dates of transfer are paid.

It is hereby directed to follow the above mentioned procedure/instructions in respect of the transfer of all properties of CHB.

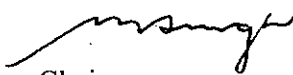
  
Chairman,  
Chandigarh Housing Board,  
Chandigarh

Endst. No. HB(S)/EA-III/2016/892

Dated: - 30/3/16

A copy is forwarded to the following for information and necessary action: -

1. The Chief Engineer/The Superintending Engineer-I/II, CHB
2. The Executive Engineer-I/II/III/IV/V/VI/VII/VIII/Enfs./Arch., CHB
3. The Chief Accounts Officer, CHB.
4. The Sr. Law Officer, CHB.
5. The Accounts Officer-I/II/III/IV/ADMN/Col./Reception, CHB
6. ✓ The Computer In-charge/Chief Liaison Officer, CHB.
7. PA to Chairman/Chief Executive Officer/Secretary, CHB.
8. Office Order file.

  
Chairman,  
Chandigarh Housing Board,  
Chandigarh