



## **FACULTY OF JURIDICAL SCIENCES**

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Subject Name- Drafting, Pleading and conveyancing

**COURSE NAME- BBA LLB, VII Sem**

**SUBJECT CODE-BBL-703**

# **LECTURE 27**

## Sample Format of a Gift Deed

### GIFT DEED

This deed of Gift is executed on \_\_\_\_\_ day of \_\_\_\_\_ month of \_\_\_\_\_ year by Sri./Smt. \_\_\_\_\_, S/o./W/o. \_\_\_\_\_, occupation \_\_\_\_\_, and aged \_\_\_\_\_ years, residing at \_\_\_\_\_.

herein after called the DONOR. <sup>1</sup>

In favour  
of

Sri./Smt. \_\_\_\_\_ S/o./W/o. \_\_\_\_\_, occupation \_\_\_\_\_, aged \_\_\_\_\_ years, residing at \_\_\_\_\_.

Herein referred to as the DONEE. <sup>2</sup>

Whereas, the term Donor and Donee unless repugnant to the context shall mean and include their representatives heirs, successors, executors, administrators, trustees, legal representatives and assigns.

Whereas, the Donor herein, is the sole and absolute owner of immovable property <sup>3</sup> bearing No. \_\_\_\_\_ known as \_\_\_\_\_ situated at \_\_\_\_\_ morefully described in the schedule hereunder written and herein after called the schedule property.

Whereas, the Donor is the absolute owner, having acquired the property, by \_\_\_\_\_ <sup>4</sup> and since then Donor has been in possession and enjoyment of the schedule property and paying taxes and levies thereon, as sole and absolute owner thereof.

### Important clauses in a Gift Deed

Being a very important legal document, there are certain things that you are required to mention in a Gift Deed. Some of them are –

- **Consideration Clause** – It should be clearly mentioned in the Gift Deed that the transfer is being made out of love and affection and there is no exchange of money or any other type of consideration is involved. It is irrelevant how small the consideration is, it would not be considered as a gift.

- **Possession of Property** – The property you want to gift, must be in your possession i.e. you must be the titleholder of that immovable property. While making a gift, the property must be in existence, you cannot gift something that you might get in the future.
- **Free Will** – The transfer should be free from any type of coercion, undue influence, threat or fear. The gift should clearly state that the transfer is voluntary and that the transferor has a clear intention of doing so.
- **Information about Property** – A detailed description of the property is a must. It should clearly specify the structure, address, color, area, location, etc.
- **About Donor and Donee** - The relationship between donor and donee is important as to whether they are blood relatives or not. Some state governments also offer a concession on stamp duty if gifts are made to blood relatives.
- **Rights and Liabilities** – Under this clause, if any additional rights or liabilities are attached to the gift shall be mentioned. For example, any rights relating to the further sale, or leasing it further.
- **Rights of Donee** – A clear mention of Donee rights forms an inseparable part of the Gift Deed. It includes the donee rights to enjoy the property peacefully, to make changes to the property, receive rents or any profits that might arise from that property.
- **Delivery**- A delivery clause talks about the action (express or implied) which would confirm the delivery of the possession of the property.
- **Revocation Clause** – Though not mandatory, but advisable. It will help in avoiding future complications. It has to be expressly mentioned, not implied. And donor and donee both have to agree on this clause.

### MCQs-

i. the party which makes the gift deed is called

- a. donee
- b. donor.
- c. bailor
- d. bailee

ii. the party which receives the gift deed is called

- a. buyer
- b. sellor
- c. donor
- d. donee

iii. If any additional rights or liabilities are attached to the gift shall be mentioned, which clause states this provision?

- a. Rights and Liabilities
- b. Delivery
- c. Revocation Clause

d. Rights of Donee

iv. whether a gift deed can be executed without consideration?

a.no

b.yes

c.partially no

d.partially yes

v. A \_\_\_\_\_ is a legal document that represents a transfer of gift from one person to another as per the provisions of the law

a. Gift deed

b. contract deed

c. sale deed

d. transfer deed