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Difference between a stay order and an injunction:injunction Order An injunction is an order of the court compelling a person to do or not to carry out a particular action.Stay Order An order of stay indicates stoppage, arrest or suspension of judicial proceeding Among various other uses, an order of stay is primarily passed against execution (putting the decree into practice) of a decree (an adjudication determining the rights of the parties). A stay is made against execution of a decree by an appellate court against such a decree 1 (Order 21, Rule 26; 2:Order 41, Rule 5 of the CPC, 1908). Such an order prohibits commencement of any proceeding for execution of the said decree. An order of stay of proceedings may also be made against 1-a sale (Order 21, Rule 59), 2-in a suit against a corporation (Order 30), 3-in a suit involving a minor (Order 32), 4- inter pleader suits (Order 35), 5-summary suits (Order 37), 6-in case of reference to a High Court (Order 46). An order of stay of proceedings is available to the Civil Courts by virtue of their inherent power under Section 151 as well as to the Supreme Court and the High Courts. Home Property Documents You Need To Check Before Striking a Property Deal in Pakistan Investing in property has become easier than ever. For instance, you can search through a wide range of properties on the palm of your hand using Zameens Mobile App. Plus, you can also skim through the listings of properties available for sale on Zameen.com. The checking and verification of property documents in Pakistan is another very important step in the property buying process. So, in order to help you out in this regard, we have compiled a list of documents that you need to look out for before buying a property in Pakistan. Pro Tip: If you are purchasing a property for the very first time, then you need to avoid these mistakes that are usually made by first-time homebuyers. Below is the list of documents that you need to verify before going ahead with your property investment. Sale DeedMother DeedApproved Plan of the PropertyBank Approval CertificateEncumbrance CertificatePower of AttorneyProperty Tax ReceiptsCompletion Certificate Lets discuss each of these real estate papers in detail. An agreement with details of both buyer and seller is a Sale Deed It is one of the most important property documents in Pakistan. Sale deed is an agreement where details of both buyer and seller of the property are mentioned. It is a document that is necessary to prove the ownership of a property and serves as a legal statement of the title of the property. In the world of real estate, tracing the ownership of a property is very important, especially when you are purchasing or selling it. Mother deed is a legal document that gives you a complete history of property transaction and list of the owners name, since ownership changes every time a property is purchased or sold. This document will also help you identify the original owner of the property that you are buying. Approved Plan of a real estate project assures you that the design of the property that you are purchasing has no legality issues Anti-encumbrance drive that is being carried out in Islamabad and other cities of Pakistan has made it way more necessary than before to fetch the document showing the map of the property approved by local authorities. This property document is to assure that the design of the property that you are purchasing has no legality issues. When you go for a home financing scheme that is offered by many banks in Pakistan, you are provided with a bank approved certificate. It is also one of the most important property documents in Pakistan that is released by a bank once a property is scrutinized and checked for legality issues in the light of the predefined construction laws laid down by the local authorities. On a lighter note, you can take a look at our guide for applying for a home loan in Pakistan, if you have plans for acquiring a home financing scheme. This document is proof of any legally registered transaction against property such as mortgages and title transfers. Encumbrance certificate assures you that your property does not have any types of mortgages and pending loans associated with it. Power of Attorney gives you the authority to rent, sell or purchase a property on behalf of someone else In the case of a property transaction, the Power of Attorney is one of the most important real estate papers that gives an individual the authority to rent, sell or purchase a property on behalf of someone else. However, this document is also required to be registered and verified by a legal entity. Make sure you have receipts for all the property taxes that have been paid previously Take a thorough look at all the receipts of the previously paid property taxes to make sure there are no pending taxes. If your property seller claims that the taxes have been paid but does not show you the property tax receipts, get in touch with the concerned taxation authority i.e. Federal Board of Revenue (FBR) to fetch relevant details. Capital Gains Tax (CGT), Capital Value Tax (CVT), Stamp Duty and Withholding Tax or Advance Tax are the types of property taxes. You can learn more about them by reading one of our previous blogs in which we have thoroughly discussed different aspects of property taxes in Pakistan. A completion certificate is one of the key property papers that is awarded to a property project after its completion. This document states that the property has been constructed according to the defined standards. It also certifies the legitimacy of a property project. So, acquiring possession of a new property without having a completion certificate is not advisable for anyone. For instance, if you live in Karachi, you would need to request the Sindh Building Control Authority (SBCA) to issue you a completion certificate. Similarly, in the case of Lahore and Islamabad, the authorities responsible for the issuance of the certificate of completion for each of these two cities are Lahore Development Authority (LDA) and Capital Development Authority (CDA), respectively. These were all the important property documents in Pakistan that you need to check and verify when you are ready to sign a real estate deal. In case you have any questions regarding the above-listed property papers, feel free to reach out to us at [blog@zameen.com](mailto:blog@zameen.com). Meanwhile, if you have plans to sell out your property anytime soon, then here's a step by step guide for selling a property in Pakistan. To read more of our informative pieces covering different aspects of real estate transactions in Pakistan, log on to Zameen Blog, one of the country's best property blogs. Agreement to sell and Registered Sale DeedAgreement to Sell An agreement to sell is a crucial document in property transactions. This is why all the terms and conditions included within the agreement of sale must be understood thoroughly by both parties and obeyed throughout the sale process. It is a contractual property agreement between the customer and therefore the seller to sell a specific property on particular terms and an agreed-upon price. It is not an actual sale but a written promise to hold out the contract at a future date. Registered under the Contract Act, 1872, the contract is legally binding on both the parties. A roadmap on how property transaction are going to be completed, the agreement to sell may be a precursor to the Sale Deed where actual transfer of property takes place. The contract, usually, takes 3 months time to give to the customer to rearrange funds and perform the other formalities before the particular transaction takes place. As the deal has legal sanctity, both parties mutually comply with include certain clauses within the contract. These clauses are often associated with penalty for not honouring the contract, right to call off the deal, terms and conditions concerning when to pay the outstanding dues, etc. The agreement clearly states the names of the customer and therefore the seller, the dimensions of the property, its direction, carpet area, etc. The type of property is additionally listed within the contract, i.e. if it's a freehold, leasehold or mortgaged property. The terms and conditions within the case of the leasehold or mortgaged property also are spelled out. In the contract, the vendor pledges to offer the property free from all encumbrances, and therefore the buyer promises in touch the value of transfer of the property. The money that's paid is additionally listed along side the way during which the remaining payment is to be made. A dated document, the contract is signed by the parties within the presence of two witnesses. It is advisable to urge the document made up of a lawyer, who will understand your needs and concerns and draft the agreement accordingly. What is Sale Deed? A sale deed may be a legal instrument that permits a celebration to transfer property from one person to a different . It is defined under Section 54 of the Transfer of Property Act, 1882 as; Sale may be a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised. Thus without a purchase deed, there would be no evidence to attest the transfer of a property, further there would be no evidence to facilitate subsequent transfer of the property. Registering a Sale Deed In order to register a purchase deed the subsequent steps need to be undertaken: The value of the property has to be estimated based on the circle rate (minimum value set by the state governments revenue department or the local development authorities at which the sale can occur) in that area. The circle rates of the area and the actual price paid for the property are compared. The higher of the two values, i.e., the circle rate and the actual price paid, has to be taken into consideration. Non judicial stamp paper of the worth so calculated, has to be purchased and affixed to the deed. Subsequently, the deed has to be prepared and typed in stamp papers. The final step involved for getting the deed registered is to approach the Sub-Registrar's office so as to urge the sale deed registered. The parties must be accompanied by two witnesses. Key Components of Sale Deed The essentials that one must not confine mind while preparing a purchase Deed are the following: The Sale Deed must be classified as either a Deed of Sale if the property is being sold, or as Deed of Mortgage, if the property is being leased or mortgaged. The Sale Deed must contain accurate information concerning the sale. A Sale Deed is claimed to be void if it doesnot contain the right information of the customer and therefore the seller. The Sale Deed should have relevant information so as to enable an individual, identify the immovable property which is that the material of the deed. A Sale Deed is incomplete if its not amid a purchase Agreement. The Sale Agreement contains all the terms and conditions that are agreed to by the customer and therefore the seller. Finally, the Sale Deed must also contain the Proof of Registration of the property. Also read about the legal notice; Also read about property/Rent laws; What safety precautions should I take before buying property or real estate in Pakistan?Before buying property in Pakistan a complete check and thorough probe in respect of title of the seller to the real estate must be carried out. A general practice is to investigate title of the current seller and any previous owner. Original title document in favor of the vendor must be obtained along with other relevant documents including mutation in favor of the vendor, a fresh copy of fard, aks shajra and no-objection certificate or non-encumbrance certificate as the case may be.If the vendor is selling the property in the capacity of an attorney of the owner then it must be ensured that the power of attorney is duly registered with the relevant sub-registrar. A holder of a forged and fabricated power of attorney is not at all able to transfer a valid title in an immovable property to a third party. Buying or selling property is one of the biggest financial decisions you'll ever make. In Pakistan, ensuring your property transaction is legal and safe is not just smart, it's essential. This is where the commonly known as Bay Nama comes into play. Without a valid Sale Deed, your ownership rights can be exploited, and disputes can arise. So, it's crucial to understand what a Sale Deed (Bay Nama) is and why it is needed, how it protects you, and how to safely register it in Pakistan. Whether you're a first-time buyer or an experienced investor, understanding this document is crucial to safeguarding your investment. A Sale Deed, called Bay Nama in Urdu, is a legal document that officially transfers the ownership of a property from the seller to the buyer. In Pakistan, property laws, the Sale Deed is the final proof of a property transaction. It is executed (signed) by both parties and registered with the local land records authority, such as the Sub-Registrar. Only after Bay Nama registration can the buyer legally claim the property. Simply put: No registered Sale Deed = No legal ownership. The importance of a Sale Deed cannot be overstated. Here's why: In the context of the property sale process in Pakistan, having a registered Bay Nama is a critical step for lawful and undisputed ownership. A valid Sale Deed in Pakistan must contain: Full names, CNIC numbers, and addresses of both seller and buyer Detailed property description (location, size, plot number, survey details) Agreed sale price and payment method Date of possession transfer Terms and conditions (e.g., responsibility for taxes, maintenance) Declaration that the seller has clear, marketable title Signatures of both parties and two witnesses Revenue stamp and registration details Tip: Always double-check the spelling of names and property details to avoid future legal issues Follow these steps carefully during the property sale process in Pakistan: Hire a qualified property lawyer. Lawyer drafts the Sale Deed based on agreed terms. Both parties review the draft for errors.Pay stamp duty, capital value tax (CVT), and registration fees based on the property value.Both seller and buyer sign the Sale Deed in the presence of two witnesses.Visit the Sub-Registrars office with the original Sale Deed. Submit all required documents (title documents, tax receipts, ID copies). Sub-Registrar verifies, records, and officially registers the Sale Deed. Buyer receives a certified copy as proof. In Punjab, the e-Registry system has simplified this process, allowing faster Sale Deed registration through digital means. Post-sale agreement to Sell/Sale Deed (Bay Nama)Purpose: Promise to transfer property in future.Actual transfer of property ownership.Legal Status: Does not convey ownership.Conveys ownership.Registration: Optional, but recommended.Mandatory under law.Risk: Buyer doesn't become owner immediately.Buyer becomes owner upon registration Bottom Line: An Agreement to Sell is a promise. A Sale Deed is the actual transfer. Skipping or mishandling the Sale Deed process can lead to: No legal recognition of ownership Difficulty selling the property in future Disputes from heirs or third parties Inability to get loans or utilities linked to the property Always ensure Bay Nama registration is done correctly to avoid legal headaches. Hire a Property Lawyer Professional lawyers ensure your rights are protected and paperwork is foolproof. Verify Sellers Title Check original title documents and latest mutation records. Use Online Verification Portals Provinces like Punjab and Sindh offer online land record verification. Check Stamp Duties and Taxes Confirm all government dues are paid before registration. Attend the Registration Personally Avoid sending agents unless absolutely necessary.Incorrect or incomplete property description Undisclosed mortgages or liens on property Signing without proper witnesses Skipping the registration step Using outdated property documents Pro Tip: Always get the Sale Deed drafted freshly for each transaction. Never reuse old drafts. Pakistan has taken steps to modernize property transactions: Punjab Land Records Authority (PLRA): Offers e-Registration for quicker, safer Sale Deed processing. Online Land Record Portals: Allow buyers to verify property titles before purchasing. Digitization Drives: Aim to reduce fraud and manual errors in property records. This move toward digitization is making property ownership transfer in Pakistan smoother and more transparent. No. Without a registered Sale Deed, you do not legally own the property. Always insist on proper documentation. Typically, a property lawyer drafts the Sale Deed based on mutually agreed terms between the buyer and seller. You can apply for a certified copy from the Sub-Registrars office where it was registered. It's advisable to keep multiple copies. The basic process is the same, but agricultural land transactions may have additional requirements like No-Objection Certificates (NOCs) from authorities. Normally, Sale Deed registration can be completed within 13 days, depending on document readiness and office workload. Understanding what a Sale Deed (Bay Nama) is and why it is needed empowers you to make safe, informed property transactions in Pakistan. From protecting your investment to ensuring smooth property ownership transfer, a properly executed Sale Deed is your strongest legal safeguard. Always work with trusted professionals, double-check your documents, and stay informed about your rights. This article is for informational purposes only. Please consult a qualified property lawyer for personalized legal advice regarding property transactions in Pakistan. If you are a real estate market entrant, you may be wondering how to go about selling property in Pakistan. The task, as has long been the complaint of many a property affiliate in the country, can seem like a difficult one. Now the good news is that you no longer need to worry about this problem. This blog, which will likely have you coming back for quick check-ups every now and then, details everything you need to know about the property transfer procedure in Pakistan. However, before we discuss the details about transferring and selling property in Pakistan, take a moment to read through our real estate glossary to understand what certain terms such as fard and bayana mean. Now, lets start off with what exactly constitutes a transfer of property as it is understood in the country. Once the property has been purchased, it has to be transferred in the name of the buyer Legally speaking, someone owns a property when they possess a title for it. In Pakistan, a transfer of property basically comprises the transfer of the title of a landholding from one person to another. This transfer can take place in a number of ways and doesnt merely imply a sale. It can also include the concerns of mortgage, gift deed, lease, and exchange. Additionally, there can be different kinds of properties involved in the process. Real estate, for the most part, deals with immovable properties. Though plot files, as they work in the system, could be considered a kind of movable property. An immovable property, in legal parlance, is a type of property that cannot be moved without altering its nature. It is fixed to the earth. This category can include plots, houses, apartments, shops, and all types of built buildings or structures. Houses, plots, apartments, all count as immovable properties. An individual needs to be at least 18 years old to be able to transfer property in Pakistan Only someone who is able to sign a contract can, legally, transfer property ownership in Pakistan. Under Contract Act 1872, a contract is a binding agreement between two parties. The following cannot be a party to a contract: A Minor. In Pakistan, currently, this is anyone under the age of 18. Someone who is unable to understand the consequences of his actions. This may be due to a permanent or temporary mental disability, or other similar reasons. Someone legally barred from signing a contract. Therefore, it follows that only someone above the age of 18, who is mentally sound and not legally barred from signing a contract, can transfer property in Pakistan. Maturity and lucidity are requisites of a contract. The token is followed up with a bayana in case of a successful sale This is usually the first step involved in the process of transfer of property in Pakistan. The potential buyer pays a token amount to a seller in order to indicate a willingness to purchase. This is followed by detailed discussion, negotiation, and a series of practical steps for buying a property. As a result, the seller temporarily stops negotiating the sale of the same property with other potential buyers. If the sale falls through, the token gets returned with appropriate deductions. The token is usually followed up with a bayana. This instrument serves the same purpose as the token. However, unlike the latter, it makes things slightly more official, as it is usually comes coupled with a written agreement. Below, we've listed the details of the property sale agreement form in Pakistan. It is attached with the bayana and includes: The complete details of the property The terms of sale of the property The total amount of money (in consideration of which the seller agrees to transfer) The date on which the buyer is bound to pay the remaining sum (after bayana and token) The list of required documents may vary depending on the location of the property To transfer or sell property in Pakistan, you will first need to get all your documents in order. Here is a checklist of property documents in Pakistan that are needed for the process of sale and transfer: Recent photos of the two parties involved (buyer and seller) Copies of their National Identity Cards (NIC) The original title deed of the property. The title deed is the document that proves the ownership of the seller. The Sale deed. This is the agreement (contract) signed between the buyer and the seller, largely considered the most important property document in Pakistan. The transfer process may require some other documents as well, depending on the concerned property location: The Fard-e-Malkiat (Record of Rights), also simply known as the fard. The seller can obtain this form from the property registration office. It is a guarantee (from the said authority) that the property belongs to the seller. A Non-demand Certificate (NDC). This document shows that you dont owe any dues on the property. Depending on the property's location, you can get it from your local development authority office. In case youre interested in a property located within a private housing society, you normally also require a letter from the society to affect transfers. This basically acts as a replacement for a fard document. You need it before you can execute the sale deed. Societies generally make the transfer process a lot easier for sellers and buyers. Normally, they have a detailed system in place to facilitate this end. For instance, if you are planning to invest in DHA, Islamabad here is the complete transfer procedure for properties in the popular housing scheme. Similarly, you can also read through the property transfer procedure in Bahria Town if you are interested in buying a property in Bahria Town Islamabad, Bahria Town Karachi or Bahria Town Lahore, among others. The buyer also needs to pay property taxes following the purchase Finally, you need a stamp paper to draft the sale deed. The contract for sale. The value of the stamp paper required will differ depending on the value of the property it concerns. To follow through with this step, you (as a buyer) will also need to pay all due taxes. Take note of the following tax breakdown: 3% Stamp Duty 2% Capital Value Tax 1% District Council Fee Fixed registration: usually PKR 500 You should also check out our comprehensive guide on property taxes in Pakistan for further clarification on the topic. You can either hire a lawyer or pen the sale agreement yourself. It is generally recommended to hire a deed writer or a lawyer to pen the sale deed in Pakistan. They have experience and they know the legal requirements. Or they may be happy with a much lower (fixed) amount, regardless of the property price. If you are looking to buy the property, it is not compulsory. You can easily pen down the deed yourself as well. Property sale agreement formats in Pakistan are conveniently available online. You can find them on the Punjab Land Record Authority's Registration & Deeds portal. Lastly, you need to take the sale deed-inscribed stamp paper, along with all the requisite documents noted above, to the sub-registrars office. Here, a magistrate/sub-registrar hears both the parties involved in the trade-off. Once satisfied with the proceedings, the said official approves the transaction and registers the deed. The property is now the legal possession of the recipient. The transfer is completed when the sale deed is registered with sub-registrar. If youre new to the world of real estate, hiring a real estate agent might help you out in selling and transferring your property The guide laid out above takes you through the basic process of transferring and selling property in Pakistan through a sales arrangement. A newbie looking to buy or sell property in Pakistan, however, may have some other questions weighing him down: How do you go about finding the property prices in Pakistan? What is the general property dealer commission in Pakistan? How do you identify the right property option for investment? How do you determine the right price for selling property in Pakistan? Is there a set range for reasonable property prices in Pakistan? What precautions should one take when buying a property? Here are the answers to some of your concerns: If you want to know the property rates in your area, please consult the property listings page on Zameen.com the top real estate enterprise in Pakistan. This resource will allow you to compare property prices in Pakistan, in your city, and even in your neighbourhood. There are no specific laws that govern the work of real estate dealers and agents in the country. As a result, property dealer commissions in Pakistan are really a matter of custom and are highly variable. The usual practice for real estate agents is to demand 1% of the value of the property each from the buyer and the seller as commission. If both the buyer and seller have different agents, each agent will keep the commission from his own client. Sometimes, agents fees may go as high as 2% of the value of the property. Or they may be happy with a much lower (fixed) amount, regardless of the property price. If you are looking to buy the property in Pakistan, know that your research may make all the difference. It can help you find the right kind of property at the right location and with the amenities you need. The listings page is a good place to start off on the venture. Check out the property listings for different areas, projects or housing schemes and compare the prices given. Read the descriptions and go through any photos and videos provided. You can also call or email the agents/owners who listed their properties to discuss your options. Once you have narrowed down a few good choices, it is highly recommended that you go and visit their sites in person. This step will help you determine how good the location is and discover all the amenities nearby. Also, consider meeting up with the agents, society representatives, owner and/or neighbours there while youre at it. Finally, confirm that there are no issues with the property in question. You can also check out our property investment advice for young investors for a better understanding of the real estate market. Furthermore, heres a guide on how to find the right real estate agent for your property. As for the precautions one should take when investing in the property market, take a look at our list of questions to ask when buying property in Pakistan, as it will definitely help you out. Do you have any other questions about transferring or selling property in Pakistan? If so, you can share them with us by sending an email to [blog@zameen.com](mailto:blog@zameen.com). Alternatively, you can also head on over to the Zameen Forum for a detailed conversation on the topic. To learn more about selling and transferring property in Pakistan, stay connected to Zameen Blog the best real estate blog in the country. Also, dont forget to like our Facebook page for the latest updates on the property sector. Congratulations on taking a significant step towards acquiring or transferring property in Pakistan! Property ownership is a major decision, and ensuring a smooth and secure transaction is paramount. This guide delves into the essential process of Sale Deed Registration, empowering you with the knowledge and tools to navigate it effectively. Understanding Sale Deed Registration: Sale Deed Registration serves as the cornerstone of legal property ownership and transfer in Pakistan. It signifies the formal documentation of the property sale or purchase, acting as indisputable proof of transaction authenticity and legality. This registration serves multiple critical purposes: Provides Irrefutable Evidence: The registered Sale Deed becomes a legally binding document, protecting both buyer and seller in case of future disputes or disagreements. Establishes Ownership: Registration officially transfers ownership rights from the seller to the buyer, reflecting the new owner's legal ownership of the property. Prevents Fraud: Registration deters fraudulent activities by creating a transparent and verifiable record of the transaction. Facilitates Future Transactions: A registered Sale Deed simplifies future property dealings, such as selling, leasing, or mortgaging the property. Our Tailored Sale Deed Registration Services: At our firm, we recognize the complexities involved in property transactions. Our comprehensive Sale Deed Registration services, backed by extensive legal expertise and a thorough understanding of Pakistani property laws, are designed to alleviate your stress and ensure a seamless experience. Heres how we can assist you: Expert Guidance: Our dedicated team, led by Uzair Rasheed Sandhu, Advocate High Court, will provide personalized and insightful guidance throughout the entire process. We will answer your questions, address your concerns, and ensure you understand every step involved. Meticulous Documentation: We will meticulously draft the Sale Deed, ensuring it accurately reflects the agreed-upon terms of the property transaction. Navigation of Legal Procedures: We will handle the complexities of navigating the legal framework, including stamp duty payment and registration with the appropriate sub-registrar office. Protection of Your Rights: Our legal expertise guarantees that your property rights are safeguarded throughout the process. We will ensure your interests are protected and the transaction adheres to all legal regulations. The Sale Deed Registration Process in Pakistan: For a clear understanding, lets explore the typical steps involved in Sale Deed Registration in Pakistan: Property Verification: Before proceeding, a thorough verification of the property's legal status and clear title is conducted. This ensures there are no outstanding claims or encumbrances on the property. Drafting the Sale Deed: A meticulously drafted Sale Deed is prepared, outlining the details of the property transaction, including Description of the property (location, size, plot number, etc.) Agreed-upon sale price and terms and conditions Names and details of buyer and seller Signatures of both parties and witnesses Stamp Duty Payment: Stamp duty, a tax levied on property transactions, is calculated based on the property's value and local regulations. We will guide you through the payment process and ensure compliance. Registration: The Sale Deed is submitted to the local sub-registrar office for official registration. This step makes the transaction legally binding and establishes ownership records. Mutation of Property: The final step involves updating the official property records to reflect the new owners name. This ensures the government recognizes the new ownership status. Confidentiality and Peace of Mind: We understand the sensitive nature of property transactions and the importance of maintaining your privacy. Our services are delivered with the utmost confidentiality. You can rest assured that your information is protected throughout the entire process. Contact Us: Whether youre actively considering Sale Deed Registration or simply have questions about the process, we are here to help. Contact us today and let our experienced team guide you towards a smooth and secure property transaction. Reach out to us at +923074834430 and speak with Uzair Rasheed Sandhu, Advocate High Court. We are dedicated to ensuring your property rights are upheld throughout your property ownership journey. Get Our More Services: Want to transfer property ownership in Pakistan? Luckily for you, I have put my over 10 years of experience as a Transfer Officer into this ultimate guide. Transfer property with ease! This guide covers gift (Hiba) transfers, inheritance (title heirs), and sales. It also includes pro tips to avoid costly mistakes. Get it done fast and hassle-free! Transfer property with confidence Fill out our easy form now. Get accurate legal documents and avoid costly mistakes with PropDoc Wizard Property ownership transfer means changing who owns a property. This can also be called a change in title or inteqal. It involves moving ownership from one person or group to another. In other words, any means by which property ownership changes hands. These include the purchase of a property, an inheritance transfer to legal heirs, a transfer through a deed of gift, a family distribution, etc. The common practice of the property ownership transfer procedure involves: Signing an Affidavit. Undertaking a transfer deed or sale agreement. Paying Taxes as per areas specified/levied, registration fees, and transfer fee Registering the property in the new owners name The key point is that the steps and requirements can change depending on the housing project, location, and property type. Read Also: ICONS Area Guides and ICONS How-to Guides to stay updated and learn more. After purchasing a property, you must transfer ownership into the buyers name. In legal terms, you own a property when you have its title. In Pakistan, transferring property means passing the title from one person to another. This transfer isnt limited to only a sale; it can also occur through a mortgage, gift deed, lease, or exchange. In real estate, most transactions deal with immovable properties like land or buildings. However, a plot file in Pakistan is a movable property because it operates within the system. The question is, which law governs property transfer in Pakistan? The answer is that the Transfer of Property Act of 1882 and the Registration Act of 1908 govern the process in Pakistan. Transferring property ownership in Pakistan can happen in different ways. Here are some of the scenarios you might encounter: Inheritance: When passes away a member of a family, his property transfers to legal heirs. Gifting: You can gift your property to someone, but you must follow the legal process. Buying/Selling: When you buy or sell a property, the ownership transfers. Partition: When co-owners divide a property among themselves. Relinquishment: When a co-owner gives up their share in a property. Donate to a Trust: When an owner donates his property to a trust. Divorce: When property is divided among spouses during a divorce settlement. Merger or Acquisition: When a company transfers its assets, including properties, to another company. Each scenario has its legal process. Understanding these scenarios can help you navigate the transfer procedure smoothly. A common question I get is: What is a deed document? In other words, what does a title in property mean? A title is an official document that proves the legal ownership of a property or asset. It serves as evidence that you are the rightful owner. Titles can represent ownership of tangible assets like real estate or vehicles or intangible assets such as trademarks or intellectual property. In short, holding a title means you have the legal right to use, sell, or transfer the asset. An immovable property is a fixed asset attached to the ground. This includes plots, houses, apartments, shops, and buildings. It cannot be moved without changing its nature. In Pakistan, you must be: At least 18 years old Mentally sound Legally allowed to sign contracts The bottom line is that you cannot transfer a property in Pakistan. In the case you're: A minor (under 18), with mental disabilities, legally barred from signing contracts cannot transfer property. The Contract Act of 1872 defines a contract as a binding agreement between two parties. Thats why its essential to be mentally sound when understanding and signing a contract. Thus, only individuals who meet these requirements can transfer property in Pakistan. I see even sound-minded people make mistakes. They do not bother to read the terms of a sale deed or an agreement. So, I recommend you read and understand all the terms of an agreement, affidavit, or undertaking before signing it. A question people have and most often ask is what a sale deed is. A Sale Deed, also known as a Conveyance Deed, is a legal document that officially transfers property ownership from the seller to the buyer and confirms the change in ownership. Remember? Conveyance refers to legally transferring property ownership from the seller to the buyer. Ensure all parties involved sign the sale deed duly attested by the Registrar. Need help with the Child Registration Certificate (CRC)? Our step-by-step guide on how to get a B form will walk you through the procedure. Below is the list of required documents for transferring property from a seller to a buyer: Recent photos of buyer and seller Copies of CNIC of seller, buyer & two witnesses Affidavit from Seller with Three Specimen Signatures Undertaking from Buyer with Three Specimen Signatures Sale agreement between buyer and seller Buy original Title Deed (Proof of sellers ownership) In some cities (Karachi, Lahore), a Sale Deed (signed agreement between buyer and seller) You may need extra documents such as a letter from the Registrar or Karachi. This also depends on the housing project or society involved. Fard-e-Malkiat (Record of Ownership) Non-demand Certificate (NDC) Allotment/Allocation Letter from private housing society (if applicable, replacing Fard-e-Malkiat) Non-encumbrance Certificate (NEC) is a document that shows the property has no debts or claims against it. Property transfer fees vary from project to project, depending on property type and size. A society/developer or the concerned authority determines the property transfer fee. Typically, it is fixed according to the property size you want to transfer. Conversely, the property transfer tax is based on a percentage of the property's DC value. The exact fees and taxes rate depends on the property's location and type. The Federal Board of Revenue regulates property taxes. For instance, Below are the tax rates and transfer fees required for a 5-marla plot in the Airport Green Garden: For Purchaser: The purchaser of the property needs to pay the following fees and taxes: Transfer Fee is Rs.40,000 DC Value of 5 Marla (off-road) is 20,65,500 1% Stamp Duty comes to Rs.20,625 1% Registration Fee 3% Advance Tax for Filers, 6% for Late-Filers and 12% For Seller: The seller of the property needs to pay the following fees and taxes: 3% Gan Tax for Filers, 6% for Late Filer, 10% for Non-Filers Here is the best part: You had better confirm your tax status and applicable transfer fee details in advance. Tax status indicates whether your tax return has been submitted on time, late, or not submitted at all. The late filer status was created in the budget for 2024. It is important to note that overseas Pakistanis were previously considered filers by default, regardless of their filing status. Now, they are classified according to actual status. A question legal heirs most often ask is: Is there a tax on inherited property in Pakistan? Or does Pakistan have an inheritance tax? The short answer is No. In Pakistan, no tax is levied on inherited property or assets. The country does not have an inheritance tax, which means that beneficiaries and heirs do not have to pay any tax on the property. Inheritance refers to the process by which a person inherits property from a deceased person. When a person dies, their legal heirs receive their property, including cash, real estate, jewelry, vehicles, stocks, and bonds. For instance, when a mother, father, or spouse passes away, you may need to transfer the property into your name. For that, we discuss real property, which means real estate/property transfer to successors. Its important to note that you can transfer property to any individual who is alive and of sound mind. Pakistan follows the Share rules for the division of property. Two laws protect inheritance rights in Pakistan: Muslim Family Law Ordinance, 1961 The West Pakistan Muslim Personal Law, 1962 Muslim law says the family gets the property when someone dies. That means the wife, son, daughter, mother, father, etc., get a share, but the amount varies. A question people have is: What is the daughters share in the fathers property in Islam? In Pakistan, Islamic inheritance law states thata daughters sharein her fathers property ishalfthat of a sons. Daughters receive half of the share allotted to sons. Back in the day, a husband came to me and said my wife had passed away. Further told, she was an allottee of a plot. She left behind a son, two daughters, a husband, and a mother, her legal heirs. So, I wanted to transfer ownership of that plot to the legal heirs. I replied: Get a legal heirship certificate from the court of law. The point to remember here is that you must get a legal heirship from the court where the property is located. For example, if the property is in Islamabad and you live in Multan. With that, you must get the certificate from a court in Islamabad. Lets get back to the story. After obtaining the Heirship Certificate (aka Wirsat Nama) from the court, it came back to me. The court declared the shares as per the certificate of Islamic Sharia. The deceased husband said. He wanted to sell this property as he needed money for construction work that was in progress at that time. The problem was that his two children were minors while the other was an adult. The point is that you cannot sell a property registered/allotted in the minors name. The solution is that you first need to get a Guardianship certificate from the court. The next step is to apply for a Permission to Sell from the court through an advocate. With that, you will be able to sell the minors property. Here is the list of documents required for property transfer in the name of legal heirs: Death Certificate of deceased Legal Heirs-ship Certificate (Issued by a Court of Law or Nadra) Family Registration Certificate (FRC) by birth Copies of CNIC of all the legal heirs Administration Certificate NADRA (In the case you process through Nadra) Undertaking from all legal heirs Key Information: A Legal Heirship Certificate and Wirsat Nama are equivalent documents, both verifying the legitimate heirs of a deceased individual Legal Heirship Certificate = Wirsat Nama You can get a legal heirship certificate from either NADRA or a court of law. The main point to understand is that both sources are valid. They can issue certificates according to the law. There is no difference between the two. However, the procedure for obtaining a certificate of heirs is different. Anyone who is a legal heir above 18 years and holds a CNIC can apply for transfer with the required documents. To process the change in the title of the property, youre required to pay the following: Transfer Fee (Some societies/authorities receive half the ongoing transfer fee, while others have fixed the amount. The CDA charges a transfer fee for all property types. This fee is Rs.5000/- (Five Thousand only) for transferring property to legal heirs. Inheritance Property Transfer Taxes (No taxes applicable except Registry charges and stamp duty) Remember: People often make the mistake of offering middlemen money to prepare transfer documents. Read Also: Top 10 Property Websites in Pakistan Here is a step-by-step guide to transferring property ownership to legal heirs: First, visit the transfer office (in the case of a Society/Project, otherwise Revenue Registrar Office). With that, submit all the required documents to the office where the transfer is processed. Second, per the SOPs of the Housing Society/project or Government department (CDA, Housing Foundation, JKCHS) procedure, the property is transferred to the legal heirs according to the share mentioned in the succession certificate/legal Heirship certificate. The transferring authority divides the deceaseds property among the legal heirs. The property share is the shares mentioned in succession. Lastly, the title document issuing-authority updating the owners name to the legal heirs (successors). With that, they remove the previous owners name. Hence, they issue you the title document with updated owners. I have a question: How do you sell a minors property? The answer to this question is that you cant sell a minors property unless you get Permission to Sell from a court of law. With that, a court of law issues Permission to sell after a person obtains a Guardianship Certificate from the Guardian Court. In it, a father or close relative is declared a Guardian of a minor. The crucial thing to remember is that a court of law issues permission to sell only upon producing a Guarantee by a guarantor holding property. It usually takes a week, depending on your documentation and lawyer competency. Hiba is an Arabic term that means Gift. In Pakistan, transferring property ownership as a gift (Hiba or family transfer) is a step-by-step procedure. It allows a person to give their property to another person without paying any money. The main point is that a property transfer as a gift must meet three (3) conditions: Here are the three criteria for gifting a property: The donor has love and affection for the Donee Have possession of Property that Donor plans to gift Donee accepted the Gift A person who wants to transfer their property as a gift (donor) executes a Gift Deed (Hiba Nama) in favor of the person receiving the gift (donee). Two witnesses are required for the family transfer of property. Here are the documents required for transferring ownership through gift (hiba): Affidavit by the Donor Gift Declaration by the Donor Acceptance of Gift by the Do-nee Undertaking by the Donee Recent Passport Size 2 Pictures of the Donees Family Registration Certificate (FRC) by Birth CNIC of Donor, Donee, and two witnesses Here is the step-by-step process to transfer property through the gift (Hiba): First, visit a stamp vendor to prepare all the legally required documents for transfer. For this purpose, stamp paper vendors require documents such as an Allotment letter and CNICs of the Donor, Donee, and witnesses. After preparing the legal papers, sign the register where your entries are on the list with the stamp vendor. Then, get the legal stamp papers notarized and signed. Second, bring these stamps and other original documents, accompanied by two witnesses, to the office of the society/project/Registrar. After that, the donor and donee must sign the deed of gift, accompanied by two witnesses. Third, the key point here is to register the gift deed with the sub-registrars office, provided the title change through the registrar. This step makes the transfer official and public. The property transfer process is done by the relevant office in the case of a society or project. The procedure consists of biometrics, group pictures, and witnesses in the presence of a transfer officer of that organization. Remember-You may receive a Registration/Application/Transfer Form. Please fill it out and submit it. The fourth step is to deposit applicable taxes (if any), such as CVT, Stamp duty, and registration fees. The amount varies depending on the location and property value. The key point is to inquire about transfer fees and taxes before beginning the transfer process. The transfer fee for a gift is usually half of the full fee fixed by a relevant authority or property size. Some charge a fixed amount for all kinds of transfers. CDA charges onlyRs.5000/-, a flat fee for all. On the other hand, some organizations charge only transfer fees (half/full) and are tax-free. After registering, officials update the property records to show the new owner. Note: The donor must be of sound mind, and the gift must be given voluntarily. The donee must accept the gift. Pro tip: You can save money when transferring property titles within the family, such as between parents and children or siblings. Using a gift deed may help reduce transfer taxes. Always consult a legal professional for guidance. A father-to-son A mother to son A brother to sister and vice versa Wife to Husband and vice versa You may also like: People often ask how property can be transferred from a father or mother to their son in Pakistan. The answer to the above question is that if a mother or father is alive, you transfer property through a gift. If your parents have passed away, follow the inheritance procedure for the property transfer. It involves obtaining a legal heir certificate, transfer documents, and registering the transfer. Likewise, if your father or mother is alive, your parents can gift their property to a son or daughter. A question a donor or donee asks is: What is the tax on hiba property in Pakistan? Does Pakistan have a tax on gifting/property? The short answer is No in Pakistan. There is no tax on hiba (gifting) property. The country does not have a gift tax, so donors and donees are not required to pay any tax on the property. Yet, a stamp duty applies, provided you register your property with the Revenue Department. A gift deed is a legal document that transfers property from the donor (the person giving the gift) to the donee (the person receiving the gift). The deed should include the property details, the donors and donees names, and their signatures. What is meant by Fard-e-Malkiat? Fard-e-Malkiat also known as Record of Rights (Jama Bandi) is a document maintained for Haqdar-e-Zameen) maintained for determination/record of various types of rights in the immovable property.Q. What is Mutation (Intiqal)?A. Mutation is a document containing an order by a revenue officer, who must be at least an Assistant Collector of grade III, whereby an entry in the record of rights is to be altered, changed or mutated in revenue record.Q. What is meant by Tattima Registry?A. Tattima means supplementary and Tattima Registry means supplementary sale deed in specified area.Q. What is meant by Kharsa?A. Kharsa is a piece of land with specific measurements and a specific number.Q. What is Kharsa Garddari?A. Register Kharsa Gardwari is a register maintained for record of possession/cultivation.Q. What is meant by Survey?A. A drawing or map showing the precise legal boundaries of a property, the location of improvements, easements, rights of way, encroachments, and other physical features.Q. Is mutation is a title document?A. No, mutation is not a title document.Q. What is the name of the document, which creates title in immovable property?A. Register Sale Deed (Registry /Baye-Nama) is a document, which creates a title in the immovable property.Q. What is meant by Conveyance Deed or Sale Deed?A. Conveyance Deed or Sale Deed is a deed document by which the title of property is conveyed by the seller to the purchaser. Conveyance is the act of transferring ownership of the property from a seller to the buyer. Deed document will help you ascertain whether the property, which you are buying, is on land belonging to any development authority, society, builder in which the property is located, whichever the case may be.Q. From where I can obtain my house documents or title deeds of my property?A. You can obtain your house documents or title deed documents from office/department by which title of the house was conferred or transferred.Q. What laws generally deal with real estate in Pakistan?A. Among the laws, which deal with real estate in Pakistan, are The Transfer of Property Act, 1882, Land Revenue Act, 1967, Stamp Act, 1899 and Registration Act, 1908.

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