



# Man buying property in wife's name will retain ownership HC

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## Highlights

- The Delhi High Court has held that if a person has purchased property in the name of his spouse from his known sources of income, he will be the owner, and not the wife in whose name the title deeds exist.
- Justice Valmiki J Mehta made the observation while setting aside a trial court order, which ruled that the man cannot claim ownership of a property purchased in his wife's name, as it is barred under the Benami Transactions (Prohibition) Act.
- The existence of the properties in the name of the respondent/defendant/wife will fall as an Exception to the prohibited benami transaction in view of Section 2(9)(A)(b) Exception (iii) in as much as it is legally permissible for a person to purchase an immovable property in the name of his spouse from his known sources, and in which position, the property purchased will not be a benami property but the property will be of the de jure owner/plaintiff/husband and not of the de facto owner (in whose name title deeds exist), being the respondent/defendant/wife.

Source: [The Indian Express](#)

