

WILLS, LAWS AND SUCCESSION

WHAT ARE THE ESSENTIALS OF A VALID WILL?

1. There should be a **legal declaration in writing** by the Executant in conformity with **Section 63 of the Indian Succession Act, 1925**.
2. The Testator should be competent (i.e. a person of **sound mind who is not a minor**) to make a will. An insane person in a lucid interval of sanity can make a will, so can foreigners and convicts - **Section 59 of the Indian Succession Act**.
3. The Testator must be **medically fit** to make a will.
4. The will must be **detailed and specific**.
5. The will must be **attested by 2 or more witnesses**.
6. The testator should be **free from undue influence/ fraud/coercion**.

WHAT IS A PROBATE?

- Applying for the right to deal with a deceased person's affairs i.e. '**administering the estate**' (Ss. 2(f), 213 and 222 of the Indian, Succession Act).

WHAT IS A LETTER OF ADMINISTRATION (LOA)?

- If a person dies intestate or fails to appoint an executor, the beneficiaries may have to apply to the concerned Court for an LOA for apportionment of immovable properties (S. 218 of Indian Succession Act, 1925).

WHAT IS A SUCCESSION CERTIFICATE (SC)?

- If only moveable properties are left behind by the deceased person, then the beneficiaries can apply for an SC.

WHAT DO YOU REQUIRE TO GET YOUR WILL REGISTERED?

- **2 copies** of the will printed on plain white sheets.
- **Court fees** to be given which is in accordance to the value of the property along with a nominal Registration Fee.
- **2 Photos** of the testator.
- **Original and Photocopies of Aadhaar Card and PAN Card** of the testator and both the witnesses.

Print out of the Acknowledgement Receipt of the Application

*Sample Will annexed