

validity of nomination or cancellation made in last will.
 Probate essential to validity of nomination or cancellation made in last will.

holding shall not be valid unless it is registered in the prescribed manner within a period of three months reckoned from the date of the death of the owner of that holding.

65.

(1) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall not be registered unless the applicant for registration shall furnish to the registering officer a certified copy of that will together with a certificate in the prescribed form to the effect that probate of that will has been applied for, signed by the secretary of the District Court to which the application for probate was made.

(2) A nomination or a cancellation of a nomination made in the last will of the owner of a holding shall be invalid if probate of that will is refused or recalled or set aside by order of a court of competent jurisdiction ; and, in that event, the title to the holding shall devolve as though no nomination or cancellation of a nomination had been registered after the death of the owner thereof.

Conditions applicable to cancellation of registered nomination by last will.

66. A nomination effected by a document duly registered before the death of the owner of a holding and in force at the time of his death shall not be cancelled by the last will of that owner unless-

(a) the last will was executed on a date later than the date of the execution of the registered document by which nomination was effected before the death of the owner ; and

(b) the last will specifically refers to the nomination effected by that registered document and definitely cancels such nomination.

General principles governing nominations and cancellations by last will.

67. Save as is otherwise specially provided those provisions of this Chapter which apply to nominations or cancellations of nomination effected by documents other than a last will shall apply equally to nominations or cancellations of nomination made in a last will.

Failure of succession.

68.

(1) A nominated life-holder fails to succeed if he refuses to succeed or does not enter into possession of the holding within a period of six months reckoned from the date of the death of the owner of that holding.

(2) A nominated successor fails to succeed if he refuses to succeed or if he does not enter into possession of the holding within a period of six months reckoned-

(a) if no life-holder has been nominated, from the date of the death of the owner of the holding ; or

(b) if a life-holder has been nominated, from the date of the death of that life-holder, or from the date on which that life-holder fails to succeed, as the case may be.

Succession of life-holder.

69. Upon the death of the owner of a holding the life-holder, if any, shall succeed to the holding.

Succession of successor.

70. If no life-holder has been nominated or if the nominated life-holder fails to succeed, the successor, if any, shall succeed to the holding.

Succession under Third Schedule.

71. If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Succession upon death of life-holder.

72.

(1) Upon the death of the life-holder of a holding the nominated successor, if any, shall succeed to the holding-

(2) If no successor has been nominated or if the nominated successor fails to succeed, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Date of succession.

73.

(1) Title to the holding shall be deemed to have devolved on any person succeeding under the provisions of sections 69, 70, and 71 as from the date of the death of the owner to whose title such person so succeeds.

(2) Title to a holding shall be deemed to have devolved on any person succeeding under the provisions of section 72 as from the date of the death of the life-holder of the holding to which such person so succeeds.

Accrual of rights in case of plurality of successors.

74. Where two or more persons have been duly nominated as successors of a holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued