

## LAST WILL AND TESTAMENT

OF

[*enter name of Client*]

1. I, [*enter full name*] son/daughter/wife of [*enter father/husband's name*], aged about [*enter age*] years, of [*enter religion*], resident of [*enter full address*], being a married/divorced/single man/woman, declare this to be my Last Will and Testament made on [*enter date*] with a sound mind.

2. I hereby revoke all Wills and Codicils previously made by me previously.

3. I am the owner of properties, both movable and immovable:

(a) My movable property/s consist of \_\_\_\_ situated at \_\_\_\_\_

(b) My immovable property/s consist of shares as listed in Annexure 1, bank deposits as listed in Annexure 2, bank locker with \_\_\_\_ bank, bonds and ornaments.

4. I am survived by my wife/ husband [*enter full name*] and one son [*enter full name*] and one daughter [*enter full name*].

5. I bequeath my estate as follows:

5.1 my property: .....

to ..... on condition that .....

5.2

***[Note: An annexure can be made of the properties if more than one and the person to whom each property is required to be bequeathed along with any conditions. All properties including real estate, jewelry, mutual funds, shares, copyrights, valuables etc. should be listed. A clear division should be made as to who will inherit which property.]***

6. In the event of a beneficiary predeceasing me, the benefit that would have devolved upon such beneficiary shall devolve upon such beneficiaries descendants by representation or,

failing descendants, upon my remaining beneficiaries or their descendants by representation.

7. I nominate ....., to be the EXECUTOR/s of my estate.

WITNESSES:

1. \_\_\_\_\_  
TESTATRIX/TESTATEUR
2. \_\_\_\_\_

[Notes:

- 1 The Indian Succession Act, 1925 governs any succession related legal issues in India. However, there are personal laws such as the Hindu Succession Act, 1956 as amended from time to time which may also be applicable. Amongst Muslims, only a third of his property which is left after payment of funeral expenses and debts can be disposed without consent of his heirs. The rest has to be according to the Muslim laws of inheritance. In case of Christians and Parsis who are Indian citizens, a fresh will needs to be made upon marriage since the old will stands revoked.
- 2 It is advisable to get a will registered to prevent the same from being challenged. However, it is not mandatory under Section 17 of the Indian Registration Act, 1908. However, please note that registration of a will is not compulsory.
- 3 A will can only be made voluntarily by a person, of sound mind, above 18 years of age, provided it is made free from undue influence/ fraud/ coercion.
- 4 This will considers the appointment of an executor who will administer the estate. The property or assets owned by the testator i.e. the Client are to be inherited by minor children and a trustee or guardian is to be appointed till the minors are legally entitled to inherit it. In case of executing a trust, a trust deed should be entered into separately.
- 5 A probate is a copy of will certified under the seal of a court of competent jurisdiction with grant of administration of the estate of testator as per Section 2(f) of the Indian Succession Act, 1925.]