

Q-2 Answer

Will :

"Will" means the legal declaration of intention of a testator with respect to his property which he desires to be carried into effect after his death.

- A will or testament is a legal declaration which authorizes the testator to name the people who would inherit his estate after his death.
- It is defined under Section-2(h) of the Indian Succession Act, 1925.
- The man who makes a will is called testator and the women who makes a 'will' is called testatrix.

Essential characteristics

- Legal Declaration
- Disposition of property
- The testator must be owner of the property
- Document intended to take effect after death of testator
- Document is revocable during the lifetime of the testator
- Will may be conditional.

Why ?

- It clarifies all confusion regarding the distribution of the property.
- It is as per the intentions of testator and his will to distribute.

Types :

There are majorly seven types of will. They are

1. Joint Wills.
2. Mutual Wills
3. Conditional Wills
4. Holograph Wills
5. Privileged and Unprivileged Wills.
6. Concurrent Wills.
7. Duplicate will.

1. Joint Wills :

- When two or more people agree to make a joint will, such a will is called Joint Will.

2. Mutual Wills :

- Mutual Wills are the kind of wills in which two people agree to formulate a will on the mutually agreed terms and conditions.

3. Conditional Wills :

- Execution of these wills are dependent on the happening of an event. and
- If the event occurs in the future only then the will is to become effective.

4. Holograph Will :

- Wills which are handwritten by the testator are known as Holographic Wills.

5. Privileged and Unprivileged Wills.

- Indian Succession Act, 1925 provides certain privileges to a soldier, an airman and a mariner at sea employed in an expedition or engaged in actual warfare.
- The wills which are not privileged are called Unprivileged wills.

6. Concurrent Wills :

- The testator according to his/her wish or for the sake of convenience makes the different wills for the property located in different geographical locations. These are called concurrent wills.

7. Duplicate Wills :

- When there are two copies of a will, then those wills are called Duplicate wills.

Q-3 Answer

Power of Attorney

A power of attorney is basically the authority given by a person or grantor regarding his property to the agent or agents.

- It is given by signing the paper by the grantor stating that the authority for the prescribed property is given to the agent on behalf of the grantor and the agent will have the same power as the grantor has regarding property.
- It is valid only when the person is alive and ceases to operate when the person dies.

Types :

There are different kinds of Power of attorney :

- General Power of Attorney.
- Special Power of Attorney
- Durable Power of Attorney.

General Power of Attorney :

- It is the authority in which the principal/grantor authorizes the agent to perform a certain task on behalf of the guarantor/principal.

→ The word 'General' means that the authority or power given by the principal / grantor should be general regarding the subject matter and not specific.

Special Power of Attorney.

→ It is the authority in which the person is authorized by the principal / grantor to do some act / acts.

→ In this act, the agent has to perform the work assigned to him in the name of the principal / grantor.

Durable Power of Attorney

→ It is a power of attorney which specifically mentions that the agent or the agents become unauthorized to perform task assigned by the principal / grantor if the principal / grantor become mentally incapacitated.

→ If the grantor becomes mentally incapacitated.

Few Points

- IT IS not mandatory to get registered unless it creates an interest in any immovable property.
- If there is a breach of condition by the authority holder then he shall be liable to the grantor/ principal except to in the condition where he has done it reasonably.
- An attorney can also pass powers & duties to other persons only if he is allowed to do it by power of attorney.

Revocation :

The principal is free to revoke the power of attorney granted to the agent by giving a written notice to the agent.

It can be

→ ~~If~~ period is over
→ When

→ work for which the agent appointed is over

Q-1 Answer

Affidavit for change in name

→ It is a declaration that the person will be known by new name now onwards.

FORMAT : AFFIDAVIT FOR CHANGE IN NAME

By this deed I, the undersigned {New Name} previously called {old name}, doing service and resident of {Address}, solemnly declares

1. That for and on behalf of myself and my wife, husband, father, mother, children and remitter issue) wholly renounce and abandon the use of my former name / surname {oldname} and in place thereof, I do hereby assume that from this date the name/surname of {new name}, so that I and my children and remitter issue my hereafter be called, known and distinguished not by my former name / surname, but assumed name / surname of {new name}

2. That for the purpose of evidencing - such determination declare that I shall at all time hereafter in all records, deeds and writings and in all proceeding; dealing & transaction as well as

upon all occasions whatsoever use the sign the name of {new name}, as my name /surname in place of and in substitution of my former name /surname.

3. That expressly authorized and request all persons in general and relatives and friends in particular at all times hereafter to designate & address me my wife / husband, my children & remitter issue by which such assumed name / surname of {new name}

4) In witness whereof, - I have hereunto subscribed my former and adopted name / surname of {old name} and {new name}, affix my signature & seal if any this {day} day of {month} in the year {year}.

In the presence of

Witness (1)

{Name} _____

{Address} Signature

Witness (2)

{Name} _____

{Address} Signature

Solemnly affirmed at _____ signed & Sealed delivered
{Place} on this _____ by above name / new name
{day} day of {month & year}
Explain & Identify by _____
me. Signed & Sealed delivered
by formerly name

[Q-4 Answer]

Codicil

A codicil is a legal document that dictates any modifications or amendments to last will and testament.

- It can be made whenever one feels the need to change the will include adding new arrangements or removing old ones.

Benefits :

- It can be useful at any life events such as marriage, or the birth of a child or birth of a grandchild.
- When acquiring additional properties or assets and want to leave behind for beneficiaries.

Things we can do :

- Change the executor
- Update beneficiaries
- Make note of new familial or financial circumstances
- Revise end of life wishes.

FURMAT: CODICIL

TO

LAST WILL AND TESTAMENT OF

I, Shri/Smt _____ son/daughter/wife of Shri _____ resident of _____, by religion _____, declare this codicil to my last will dated _____. This codicil amends or supplements my will only as provided herein. Except as amended or supplemented, my will shall remain in full force and effect.

I declare that I am in good health and possess a sound mind. This codicil is made by me without any persuasion or coercion and out of my own independent decision only.

ITEM I

Article 3 of my last will and testament shall be modified to read -

Bank balance of my saving account No _____ with address _____ (bank name & address) _____

The equal shares of aforesaid bank balance shall be distributed amongst my two sons Shri _____ and Shri _____ and my wife Smt _____

I amend and appoint Shri _____ son/daughter of _____ resident of _____ to be the executor of this will. In the even Shri _____ were to predecease me, then Shri. _____, will be the executor of this will.

Signature of Testator
(Full name)

Date : Place :

Witness :

We hereby attest that this codicil to last will has been signed by _____ as his codicil to last will at _____ (place) _____ in presence of himself and us. The testator is in sound mind and made this codicil to last will without any coercion.

Signature of Witness (1)
(Name & Address)

Signature of Witness (2)
(Name & Address)

Q-5 (a) Answer

Accountable Receipt :

Accountable receipt is a receipt in which a person admits that good or money were delivered to the person.

→ The person who receives is obliged to deliver all or part of the goods or money to a third person.

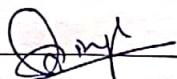
RECEIPT OF MONEY

I, ABC have RECEIVED A SUM OF RS. 5,00,000/- (Rupees Five Lacs Only) in cash / vide cheque No. "432135" dated 05/10/2016 drawn on

State Bank of India Branch Mumbai on full and final settlement in respect of purpose of business/product delivered.

It is certified that no dues now remain and I have received the entire payment on due and issuing the receipt voluntarily.

I SAY RECEIVED



(Executant)

Witnesses :

1. ABC Mehta

FOR EDUCATIONAL USE

Q-5 (b) Answer

Vakalatnama for City Civil Court or District Court

IN THE COURT OF _____

Appeal / Swt No _____

Plaintiff / Appellant / Petitioner / complainant

VERSUS

Defendant / Respondent / Accused

KNOW ALL to whom these present shall come that
 I / We { Name of ~~lawyer~~ Appellant } the above named
 do hereby appoint.

I authorize my ~~law~~ Advocates in the above noted
 case. —

1. To act, appear and plead in the above noted
 case in this court or any other court in which
 the same may be tried or heard and also in
 the appellate Court including High Court
 subject to

payment of fees separately for each court by me.

2. To sign, file, verify and present pleadings,
 appeals, cross-objections or petitions for on
 my behalf.

FOR EDUCATIONAL USE

3. To take execution proceedings.

4. To appoint and instruct any other legal practitioner.

5. I undertake that my authorized agent would appear in all hearing when the case is called.

6. I understand and agree that I will pay fees agreed by me.

IN THE WITNESS WHEREOF I/WE do hereunto set my hand to these presents the contents of which have been undersigned by me on this {day} day of {month}, {year}

Advocate

Client