

FAQs relating WILLS

A Will is a legal declaration by a person of his/her intention and desire of how his/her asset is to be dealt with or disposed of after the person's demise. If one does not prepare his/her WILL, then his/her property passes as per relevant succession laws.

FEW COMMON FAQs ARE STATED BELOW:

Question 1: Who can prepare a WILL?

Answer: Anyone over 18 years of age and of sound mind is eligible to prepare a Will.

Question 2: Once Will is prepared, it is final forever?

Answer: A Will can be changed at any time or withdrawn during the lifetime of the person making the Will (even if it is registered).

Question 3: If one die without a WILL, whether all the assets shall go to the spouse?

Answer: No, if one dies without a will, legal heirs can claim the assets as per respective succession laws.

Question 4: Is it compulsory for the WILL to be drafted in English language?

Answer: No. WILL can be drafted in any language known to the person making his/her WILL.

Question 5: Do you need to register a WILL?

Answer: No, a will need not be registered. However, it is advisable to get the will registered.

Question 6: Do you need Witness for a WILL?

Answer: Yes, every WILL prepared should be attested by at least two witnesses. Please note that the beneficiaries cannot be named as witnesses.

Question 7: Does a WILL have to be printed on Stamp Paper?

Answer: Not required. A WILL can be prepared on a simple paper.

Question 8: Is Stamp duty payable on a WILL?

Answer: No stamp duty is payable on a WILL.

Question 9: If a person cannot sign the WILL, can he/she yet make a WILL?

Answer: Yes, he/she can affix his/her thumb impression on the WILL. (with a note that the contents are explained and understood by the maker of will)

Question 10: Whether it is compulsory to have health certificate from Doctor at the time of making a WILL?

Answer: No, health certificate is not mandatory under the law. However, it is advisable to obtain to avoid any challenges to the WILL.

Question 11: How will one's property be inherited if he/she dies without preparing a Will?

Answer: The Law on succession in India is different for different communities.

- For Hindus, Sikhs, Buddhists and Jains, Hindu Succession Act, 1956 will be applicable.
- For Muslims, Muslim Personal Law will apply.
- For Christians, Parsis, Jews and any other communities other than those mentioned above, Indian Succession Act, 1925 will be applicable.

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