

WILL — EXECUTION CHECKLIST

This is a checklist, not a draft will. Bring it with you.

BEFORE THE WILL IS DRAFTED

1. Full name, age, address and a photo identity of the person making the will (the testator).
2. A complete list of assets — immovable property with survey or flat number, bank accounts with branch, fixed deposits, shares and demat account, insurance policies, jewellery, vehicles.
3. Documents of title for each immovable property, and the current holding position for each account.
4. Full names, relationship, age and addresses of every intended beneficiary.
5. The name of an executor, and a substitute executor in case the first cannot act.
6. Whether any earlier will exists. If it does, bring it. A later will revokes an earlier one to the extent they are inconsistent even without a revocation clause, but an express revocation clause removes the argument, and is what we would draft.
7. Whether any asset is jointly held or already carries a nomination. A nominee is a receiver, not an owner, and nomination does not override the will — but the position should be understood, not assumed.

REQUIRED BY LAW — SECTION 63

1. The testator signs the will, or affixes a mark, or another person signs in the testator's presence and by the testator's direction.
2. TWO OR MORE witnesses attest. Each must either have seen the testator sign or affix the mark, or have seen another sign by the testator's direction, or have received from the testator a personal acknowledgement of the signature or mark.
3. Each witness signs the will in the testator's presence. Both witnesses need NOT be present at the same time.
4. No particular form of attestation is necessary.

NOT REQUIRED BY LAW — BUT DO IT ANYWAY

1. NEITHER WITNESS TAKES ANYTHING UNDER THE WILL, and neither is the spouse of a beneficiary. This is close to mandatory in effect: a bequest to an attesting witness or their spouse is VOID under section 67, though the will itself survives.

2. Choose witnesses likely to outlive the testator, and record their full names and addresses legibly.
3. Sign or initial every page — testator and both witnesses. Its absence does not invalidate a will, but it makes an allegation of page substitution far harder to run.
4. Write the date and place of execution in full. Section 63 imposes no dating requirement and an undated will is not invalid — but where two wills exist, the date decides which one governs.
5. Leave no blanks anywhere on the document.

ALSO WORTH DOING

1. A doctor's certificate of sound mind on the date of execution, where the testator is elderly or unwell. This is the single most useful defence against a later challenge.
2. Registration of the will with the Sub-Registrar. Optional in law; it makes a forgery allegation harder to sustain.
3. Tell the executor where the original is kept. A will nobody can find achieves nothing.

REMEMBER

There is NO stamp duty on a will. Registration is optional. A will can be revoked or replaced at any time while the testator is alive and of sound mind.

This format is provided free by Harsiddhi Services, Vadodara, as general information. It is a starting point, not legal advice, and it has not been drafted for your particular facts. Before it is used it must be executed on stamp paper of the value currently prescribed, signed by the correct parties, and where required sworn before a Notary or registered with the Sub-Registrar. Bring it to us and we will check it, stamp it and notarise it in one visit.