**WILL**

Know all men by these presents:

This Will is made at........................... on this........................... day of ........................... by Shri........................... son of........................... resident of ........................... (hereinafter called the ‘Testator’).

1. I am making this the first and last Will of my own free will and without any coersion from any side and in my full sense and disposing mind in respect of my immoveable and moveable properties as mentioned in this Will.

2. I am the owner of........................... I hold lease right of the said ........................... vide lease deed executed in my favour by the........................... I have acquired the lease hold right of this........................... out of my own savings and resources and have full right to dispose off the same.

3. I have made investments as per particulars hereinafter mentioned out of my own savings and resources and have full right to dispose off the same:

(1) Okara Investment certificate Rs............................

(2) Unit Trust of India Certificate No............................ No. of

Units........................... Rs............................

4. I am also in receipt of Rs............................ as pension per month.

4. I hereby bequeath and devise the abovesaid immoveable property and moveable property to my wife........................... who shall inherit them absolutely with full rights to dispose off the same or to sell it off if she so likes.

5. I bequeath and devise the monthly pension to my wife........................... and she will be entitled to get the Family pension.

6. That this Will shall be irrevocable and I hereby declare not to make any other Will in respect of the aforesaid immoveable and moveable properties in favour of any other person.

7. As stated above, I am making this Will of my free Will without any coercion, fraud, or misrepresentation practised upon me from any quarter whatsoever.

8. That I am in complete, sound and disposing mind and I have understood the effect of this Will in favour of my wife,........................... resident of

And I hereby appoint her the sole executrix of the Will.

In witness whereof the testator has signed this will on the date, month and year first above written in the presence of the witnesses who have seen the testator putting his hand and signatures to this his last Will and have also signed in the presence of each other and in the presence of the testator as witnesses.

signed by the Testator........................... son of........................... resident of ........................... in the presence of witnesses

...........................

Testator

Witnesses:

We the following witnesses have seen Shri........................... putting his hand and signature to this his last Will, who are present at the same time and have also signed the same in the presence of the Testator as witnesses.

1............................

2............................

**CASE LAW**

**WILL-VALIDITY**

When the signature of the testator and the witnesses on the Will were found genuine, the signatures being on the second page only and the Will having been written on two pages, one stamped and the other unstamped are not suspicious circumstances.1

There is a strong presumption of regularity and due execution and attestation of the holograph will when the writing of the Will and signature of the testator are admitted.2

Tenancy rights and goodwill of the running concern can be attached in execution under Order 21 Rule 54 C. P. C.3

Where averments in the plaint for specific performance showed readiness and willingness eventhough expression readiness and willingness was not used and there was only vague denial in W. S. and thus no issue was on the point, suit could not be thrown out.4

**PETITION FOR PROBATE OF WILL**

A mere creditor of a deceased who files a caveat or seeks impleadment can not be held to be having such interest in the estate of deceased which will entitle him to be heard in the probate proceedings.5

When a Will had been formally proved, its being unnatural on the basis of uneven distribution of the assets by Testator cannot be sustained in the facts and circumstances of the case.6

The Court can look into suspicious circumstances surrounding the Will to decide whether a prudent man can act on it even if its execution is legally proved.7

Under the Mitakshara School of Hindu Law WILL can be executed by coparcener for his undivided share.8

The uneven distribution of assets among children by itself cannot be taken as a circumstance causing suspicion surrounding the execution of will.9