

WILL

Section 2(h) of the Indian Succession Act, 1925 defines Will as:

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

Section 2(b) of the Indian Succession Act, 1925 defines Codicil as:

“Codicil is an instrument made in relation to a will, and explaining, altering or adding to its disposition, and shall be deemed to form part of the will.”

- There is no standard form prescribed by law regarding drafting a will.
- The language of the will should be clear and unambiguous.
- The properties should be described with complete clarity.
- A will is drafted in first person.
- Details of the testator to be mentioned clearly. (Name, Age, Occupation, Address etc.)
- Details of bequeath, to whom and which property is given.
- Details of the executor if any.
- Previous testaments if any.
- Sound state of mind of testator.
- Signature and attestation. Signature of the testator and attesting witnesses(with their details)
- No stamp duty is required to be paid on a will.
- Will is not required to be compulsorily registered, it is optional.

WILL

THIS IS THE LAST WILL TESTAMENT of me, Sh. XYZ S/o Sh. ABC R/O 13, PQS APPARTMENTS, ROHINI, DELHI- 110085 made at....(Place) on....(Date).

That life is uncertain and this is my last Will by way of which I bequeath voluntarily and out of my own free will in a sound state of mind, my self acquired properties to the beneficiaries as described hereunder.

WHEREAS I was married to....(name) on....(date) and is living happily for Years and out of the wedlock we have two children, a son(name) aged... and a daughter aged.....

AND WHEREAS my son is happily married to....(name) and out of the wedlock, they are blessed with one child..... (name) aged.... and are residing at(address).

AND WHEREASmy daughter is married to...(name) and out of the wedlock they are blessed with one child....(name) aged... and are residing at...(address).

In my lifetime I have built my movable and immovable properties out of my own sources and, therefore, I am the absolute owner of the properties hereunder.

IMMOVABLE PROPERTY

1. Residential property bearing no.admeasuring
2. Shop No.admeasuring.....
3. Shop No.admeasuring.....
4. Shop No.admeasuring

(hereinafter called the Immovable Property)

MOVABLE PROPERTY

All my household and personal belongings at

FD's if any

Gold Details etc.

(hereinafter called the Movable Property)

I HEREBY WISH that my abovementioned property should devolve in the following manner:

That my property bearing no.....would devolve on to my wife....absolutely and unconditionally and she shall deal with the said property in any manner as she likes and my children will have no claim on this property whatsoever.

That my property bearing no..... and my all movable property would devolve on to my son..... absolutely and unconditionally and none of my legal heirs shall have any claims on this property whatsoever.

That my daughter is happily married and is well settled in her matrimonial home and she does not need any financial support for survival after my death.

That my present will is drafted in my presence and upon my instructions and contents of my will have been read out to me in my own vernacular.

I declare the contents of this Will to be my last Will arrived at by me in sound state of mind.

IN WITNESSES WHEREOF I..... have signed this will hereunder on thisDay of, 20...at...in the presence of the following witnesses who are also attesting this will in my presence and at my request.

Sign

TESTATOR

Signed by the above named testator in our presence at the same time and each of us has in the presence of the testator signed our name hereunder as an attesting witness

1. Name and details of Witness 1
2. Name and details of Witness 2

Sign

Sign

POWER OF ATTORNEY

Power of Attorney is a document of agency or a formal arrangement by which one person (Principal) gives another person (Attorney or Agent) authority to act on his behalf and in his name. As per the Power of Attorney Act, 1882:

“Power-of-Attorney includes any instruments empowering a specified person to act for and in the name of the person executing it.”

A Power of Attorney may be a general or special power. A General Power of Attorney covers more than one subject matter while a Special Power of Attorney relates to a specific subject matter, though it may contain several powers relating to the same subject matter. Power of Attorney is required to be stamped but need not be mandatorily registered.

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS THAT THIS GENERAL POWER OF ATTORNEY is executed at New Delhi on this 1st day of January 2004 by M/s. TINRIN, a company incorporated under the Companies Act having its registered office at E-1 WESTEND, New Delhi through its Managing Director Mr. X.....(details) (hereinafter referred to as the EXECUTANT), DO HEREBY APPOINT, NOMINATE, CONSTITUTE AND AUTHORISE Sh. Y....(details), Executive Director of M/s TINRIN (hereinafter referred to as the ATTORNEY) AS MY TRUE AND LAWFUL ATTORNEY TO MANAGE, CONTROL, LOOKAFTER / SUPERVISE, PERFORM ALL LEGAL ACTS MENTIONED HEREUNDER.

WHEREAS.....

AND WHEREAS.....(Mention few recitals like the purpose of making this GPA).

NOW THIS GENERAL POWER OF ATTORNEY WITNESSESTH AS UNDER:-

- (i) To institute, commence and conduct any action, suit or other legal proceedings before any Court, Arbitrator, Quasi-judicial or authorities, Offices, Tribunals, Labour Courts, Conciliation Officers, Land Acquisition Officers, etc. on behalf of the company for claiming any right, relief, recovery, title, interest, property or in respect of any matter connected with or arising out of the Company's business and subject to aforesaid, to settle, adjust, compromise or submit to Arbitration any such actions, suits or proceedings.
- (ii) To defend all actions, suits, proceedings, applications, petitions, appeals, revisions, reviews, arbitrations, conciliations, taxation and labour matters and other disputes that are now pending or may hereafter be brought or made or instituted in any Court or office or Tribunal, Arbitrator, Conciliation Officer, or any other Judicial or Quasi-judicial authorities in the name of the company.
- (iii) To appear and represent the Company in any Court of Justice or Tribunal whatsoever and for the purpose aforesaid or any of them to sign and verify complaints, written statements, applications and swear affidavits and to sign petitions and other necessary documents

including Valalatnama and to appoint any Solicitor, Advocate, Pleader or other Legal Advisor with the necessary power and such again at pleasure, to revoke and appoint others in their place.

- (iv) To continue and conduct or defend any appeal, review, revision, arbitration in any Court or Tribunal or office against any order, judgment or decree made in suits, actions, proceedings, application etc.
- (v) Generally for and in the name and as the act and deed of the Company to make, execute and do all and every such further and other acts. Deeds, matters and things as shall be fit, requisite and necessary in and about the premises and for all or any of the purposes aforesaid and as the Company could do if acting in the premises.

And I, the said Managing Director of the Company and also for the said Company hereby agree to ratify and confirm whatsoever the said Attorney shall lawfully do or cause to be done in or about the premises by virtue of these presents.

IN WITNESS WHEREOF I have hereunto signed this document on the date and place first above written in the presence of following witnesses.

EXECUTANT

WITNESSES: (1)
(2)

SPECIAL POWER TO ATTORNEY TO EXECUTE A SALE DEED

KNOW ALL MEN BY THESE PRESENTS THAT THIS SPECIAL POWER OF ATTORNEY is executed at New Delhi on this 1st day of January 2004 by I, AB,(details) (hereinafter referred to as the EXECUTANT), DO HEREBY APPOINT, NOMINATE, CONSTITUTE AND AUTHORISE Sh. Y....(details), (hereinafter referred to as the ATTORNEY) AS MY TRUE AND LAWFUL ATTORNEY TO PERFORM ALL LEGAL ACTS MENTIONED HEREUNDER.

WHEREAS.....

AND WHEREAS.....(Mention few recitals like the purpose of making this SPA).

NOW THIS SPECIAL POWER OF ATTORNEY WITNESSESTH AS UNDER:-

1. To receive from the purchaser or his heirs or assigns the sum of Rs.....being the price agreed to be paid to me by XY for the purchase of (description of property) under an agreement dated the.....and to give an effectual receipt and discharge for the same;
2. To execute a proper sale deed of the said property or any other deed or assurance necessary for the completion of the sale of such property and to get the same duly registered;

And I hereby agree to ratify and confirm whatsoever the said Attorney shall lawfully do or cause to be done in or about the premises by virtue of these presents.

IN WITNESS WHEREOF I have hereunto signed this document on the date and place first above written in the presence of following witnesses.

EXECUTANT

WITNESSES: (1)
(2)

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