



Handwritten Will

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05 December 2018

Is handwritten will valid in India?? It has sign of two witnesses, date, sign of my father, his statement of his sound mental health. It is written in handwriting of my father. But local lawyer refusing it's not valid.

Pankaj (Querist)



05 December 2018

It is valid. no doubt. It is advisable to get it be registered before the Registering Officer of your area.

kavksatyanarayana
(Expert)

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06 December 2018

My father has died in May. I am beneficiary of the will. Can I register it?

Pankaj (Querist)



06 December 2018

Sir also I would like to mention one point that it is not written on stamp, it is written on letterhead of my father.

Pankaj (Querist)



06 December 2018

Handwritten Will is called Holograph. It is valid in India. Basically it is not necessary to register the will. Hence if you have a valid will and witnesses, then simply go for for its execution. You can register the same even after death of testator and for that visit local Sub Registrar office with witnesses to complete formalities. Holograph does not require stamp paper. The concept of stamp paper & verification statement at the end of document is to provide legal sanctity to the contents i.e approval of party(ies).

Shailendra M. Deshpande
(Expert)



06 December 2018

Will is valid, but it requires Probation by the Civil court, file case petition for it's probation, get certificate for administration of the Will from the court and proceed with transfer process as required in the revenue records etc.

Vijay Raj Mahajan
(Expert)

06 December 2018

File probate suit in civil court. After judgment you can transfer the property in your name.

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7738990900
(Expert)

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Kumar Doab
(Expert)

🕒 06 December 2018

You may take help for any matter from, elders of your family, competent and experienced well wishers, seasoned PIP's, helpgroups, community leaders, NGO's, experienced colleagues, associations, religious scholars/leaders, influential persons, Employee's/Trade union leaders, help groups for spouses (Husband/wife) etc and find a very able LOCAL counsel specializing in concerned filed of law e.g; Testamentary Succession/Civil matters as in your case, and well versed with LOCAL applicable rules, precedence, latest judgments etc and worth his/her salt, can advise you after examining all case related docs, inputs, evidences on record. Obtain proper legal opinion in writing! Avoid acting on your own on hearsay. One should not fall for IT's and entities loitering at online portals to allure unsuspecting querists. There are many threads on such instances at LCI also. Online discussions are not substitute to in person discussions with a very able counsel of unshakable repute and integrity specializing in concerned field of law. One should not fall for IT's and entities loitering at online portals to allure unsuspecting querists.....the personal details of unsuspecting querists/citizens get stored in databanks/compromised. Such IT's and entities keep on popping up at online portals with fake and new ID's after their old ID's are permanently blacklisted/shunted out and money fleeced from unsuspecting is finished. There are such very able counsels at each location. Check for such counsels at LOCAL; Civil Courts, HC, SC,.. You can also try for FREE legal Aid from Legal aid center (DLSA) that is usually within LOCAL courts complex..preferably from a very able counsel specializing in Testamentary Succession/Civil matters.

Your counsels may opine that you can appear on 1st date, and obtain copies of petition etc to reply laterand inform the court that you shall be engaging a counsel and appear thru your counsel....Or your counsel can appear and obtain copies of petition etc and reply later or your new counsel can appear for you.

Your counsels can advise after examining all docs/record/inputs pertaining to your matter and help you. You can also search threads on similar query in SEARCH option ON left Hand side of threads in Forum/Experts section. Having learnt a lesson, remember to consult beforehand for your matters or any matter about which you are not properly informed.

There have many instances of such entities operating with multiple fake Id's at online portals.

The FEE of all LOCAL counsels at all LOCATIONS is not high/unreasonable as mis-believed by many.

Many counsels even at State Capital/Metro towns do not demand unreasonable high FEE.

IT is rather at online portals that unsuspecting querists are mislead as per many publications, by IT's and Entities that pose as some Lawyer (actually LIAR) and flaunt/advertise firms that are not Law Firms (Actually LIAR's Firms) to believe that LOCAL counsels are not knowledgeable..are incompetent. In Reality the LOCAL counsels win cases in LOCAL courts at all LOCATIONS.

You can go thru/search the cases contested by any Lawyer at court website.

Your very able (another) LOCAL counsel may opine that WILL is valid (and even if indeed WILL is invalid and for reasons.....) and also NO probate may be required in your case and WILL can be registered after death of Testator. You can benefit from above that handwritten WILL is valid.



© 06 December 2018

Which personal law applies in your case?

Are you all Hindu?

What is bequeathed in WILL; movable/immovable property?

The nature of (entire) property bequeathed in WILL is self earned/acquired, ancestral in the hands of testator?

Kumar Doab
(Expert)

Have you shown the mutation records of immovable property with link docs to your own LOCAL counsel?
Has your own LOCAL counsel opined that (entire) property bequeathed in WILL is ancestral and testator could not dispose more than his share.....or any other comment?
Are all legal heirs of deceased willing to sign NOC per applicable procedure, before O/o jurisdictional authority under whose jurisdiction property falls?
Confirm!



Kumar Doab
(Expert)

🕒 06 December 2018

IT is mandatory to probate the WILL in the areas of Bombay, Calcutta, and Madras.
IT is not mandatory to probate the WILL in other areas. IT is not mandatory to register the WILL.
The WILL should just be valid. Unregistered WILL can be acted upon.
The last valid WILL prevails.
The handwritten (valid) WILL may fetch better/more reliance.

The authority under whose jurisdiction property falls has a set procedure for such matters if the WILL has surfaced; Testate Succession.....and the prescribed forms, procedure, process is available in O/o Authority and even on website. Certified copies of the WILL, death certificate, legal heir certificate/affidavit (per local procedure/precedence) are basic requirements. The authority may ask for NOC from legal heirs (other than beneficiary) and/or to release newspaper advt and/or may write to legal heirs to submit their objections if any within set time.

If there is NO contest to the WILL by any legal heir then authority shall act upon the WILL without any cloud on it and transfer the ownership in the name of beneficiary.
If WILL is contested it lands up in probate court of pecuniary jurisdiction. The court shall decide on validity of WILL.
The legal heirs may also consider perspective of registered family settlement after the WILL and register it.

Check locally and comply with procedure. Thereafter concerned official in the O/o Authority e.g; Patwari, shall act upon the matter and transfer the ownership by inheritance/probate in the name of legal heirs/beneficiary in

mutations records.

Thereafter obtain copy of updated mutation records.

For partition by boundaries either decide amicably (best recourse) or take help of other elders of the family or panchyaat or court of law..

If WILL is not submitted to be acted upon then it becomes matter of succession per personal law that applies.

Although it is wrong since the WILL exists.

Check locally and comply with procedure.



Kumar Doab

(Expert)

🕒 06 December 2018

In the meantime you may go thru;

<http://www.lawyersclubindia.com/experts/Unregistered-will-can-i-register-it-now-after-death-of-the-testator-434641.asp>
and pick up relevant points..

Probate involves Lawyer's FEE, FEE set by jurisdictional HC etc etc

If legal heirs agree to sign in favor of beneficiary or procedure is completed by authority (as already explained above) then there may be NO need of probate and WILL may be duly acted upon without any cloud on IT.

And approach a very able counsel as already suggested. Not only your counsel (if other very able counsel opine that 1st counsel's advise was bad, misleading) many posing as Lawyers (actually Liar) have been raking up disputes at online portals including LCI on subjects like ; WILL, Nomination, Gratuity etc etc with their misleading, illegal advices and conduct..and have failed due to untiring efforts by some sincere and good natured Experts that indeed want to help and contribute at such portals.

Such entities operate by forming gangs (ikdi, dukdi, tikdi, chokdi and even more)....and attempt to deflect, divert to other members of their gangs to fleece the unsuspecting querists. Many of such entities have never been to courts and might have never won in any case and may not be able to count even on their fingertips.

In the end multiple fake ID's of such IT's and entities get permanently blacklisted, shunted out at online portals and outside online portals and even society.....and that is exactly what they deserve.

Make a note of such entities and if the need be act to confine them to correctional centers; Jail, and let their cost and consequences be, heritable.

Why such IT's and entities litter nuisance at online portals: to hide their own weaknesses, and to satiate their insatiable itch and due to their infectious greed.

One should stay away from such infected entities and hence away from such infection.

You may post if anyone has ever asked /is asking for money from you have paid.



Pankaj (Querist)

🕒 06 December 2018

It was his self earned property. Will states for both movable/immovable property. For immovable property I have proper formatted will on 100 rs. stamp registered in local registrar office along with his photo , sign and thumb mark as well as mine and witnesses. For movable property, I am joint account holder in all his FDR or accounts in either or survivor mode. This handwritten will clearly states only me as sole owner of his movable/ fixed assets.



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Pankaj (Querist)



🕒 06 December 2018

We are sikhs governed by Hindu law.

Pankaj (Querist)



🕒 06 December 2018

We are sikhs governed by Hindu law. My mother has also died.

Pankaj (Querist)



06 December 2018

We are sikhs governed by Hindu law. My mother has also died.

Pankaj (Querist)



06 December 2018

Same Query;
<http://www.lawyersclubindia.com/experts/Handwritten-Will-697926.asp>

Why to repeat and be AQ!

Kumar Doab
(Expert)



06 December 2018

And;
<http://www.lawyersclubindia.com/experts/Joint-Accounts-697971.asp>

Kumar Doab
(Expert)



06 December 2018

Pursue the guidelines of Bank framed in accordance with RBI guidelines.. In case of WILL covering Bank a/c the bank may ask to probate the WILL. Pursue; RBI master Circularclauses;19,20 If WILL does not cover specific bank accounts then bank is under obligation to pay to nominee per valid nomination and may agree to pay if all legal heirs sign disclaimer/indemnity/surety etc .. GO thru the claim forms of the bank.....

Kumar Doab
(Expert)

06 December 2018



Kumar Doab
(Expert)

Succession opens on date of death; by inheritance or by testamentary succession (by valid WILL).
In case of Hindu male dying without disposing her estate/property in her life time by a valid/registered deed the 1st right is of Class I legal heirs i.e Mother (if alive as on date of death), Wife (if alive as on date of death), sons, daughters.....

In case of deceased Hindu woman dying without disposing her estate/property in her life time by a valid/registered deed Class II is not applicable rather nature and source of property matters.

If the property is self acquired/earned/absolute in the hands of Hindu woman the 1st right is of her husband (if alive as on date of death) and sons, daughters.....

If property is acquired from husband side 1st right is of her sons, daughters.....and if sons, daughters are not available then legal heirs of husband..



Kumar Doab
(Expert)

🕒 06 December 2018

Your;
1st post

“Is handwritten will valid in India?? It has sign of two witnesses, date, sign of my father, his statement of his sound mental health. It is written in handwriting of my father. But local lawyer refusing it's not valid.”

2nd post;

“My father has died in May. I am beneficiary of the will. Can I register it?”

3rd post;

“Sir also I would like to mention one point that it is not written on stamp, it is written on letterhead of my father.”

4th post repeated 5 times;

“It was his self earned property. Will states for both movable/immovable property. For immovable property I have proper formatted will on 100 rs. stamp registered in local registrar office along with his photo, sign and thumb mark as well as mine and witnesses. For movable property, I am joint account holder in all his FDR or accounts in either or survivor mode. This handwritten will clearly states only me as sole owner of his movable/ fixed assets.”

You shall note that facts have changed.



🕒 06 December 2018

If WILL was valid the registering authority has registered IT.

The registered WILL is not easily set aside atleast on counts of authenticity..

Kumar Doab
(Expert)

If there is NO dispute amongst legal heirs then proceed as already explained above..and there should be NO need of probate of registered WILL.



🕒 06 December 2018

All points raised by you have been addressed.

Now you may post the legal opinion of counsel approached by you.

Is the legal opinion supplied to you in writing?

Kumar Doab
(Expert)

Have you been charged with any FEE?



🕒 06 December 2018

I have two wills in my name. 1st handwritten will which states me owner of all assets. 2nd will is registered will of immovable property with its specification etc. I am joint holder/nominee of all accounts. no other legal heir has any will with them.

Pankaj (Querist)



🕒 06 December 2018

Other legal heirs were separated from my father from last 20 years. They have sent me notice for distribution of immovable assets. Thus I just wanted to take guidance that handwritten will shall help me or not.

Pankaj (Querist)



🕒 07 December 2018

Why do you repeat same story time and again, it is ridiculous. If you are not satisfied with FREE advise of experts on this platform you should have sought professional advise of a local

Dr J C Vashista
(Expert)

prudent lawyer.
The will is valid, engage a local lawyer for getting it probated.



🕒 07 December 2018

Thanks Vashishta Sir and other experts for
Ur guidance.

Pankaj (Querist)



Kumar Doab
(Expert)

🕒 07 December 2018

Your 2nd last post from bottom of this thread :
“I have two wills in my name. Ist handwritten will which states me owner of all assests. 2nd will is registered will of immovable property with its specification etc. I am joint holder/nominee of all accounts. no other legal heir has any will with them.”

Your 2nd last post from bottom of this thread :
“Other legal heirs were seperated from my father from last 20 years. They have sent me notice for distribution of immovable assests. Thus I just wanted to take guidance that handwritten will shall help me or not.”

The facts posted by you are again different from previous posts.



Kumar Doab
(Expert)

🕒 07 December 2018

Probably the members that posted at 6th , 7th post were made aware of facts that were posted by you in subsequent posts that is why you were advised to probate the WILL.

You may carefully and slowly go thru all posts posted by me so far and might note that last valid WILL prevails.

Probably you are contemplating to stake claim for full money from bank accounts bein nominee and also beneficiary in 1st WILL that is handwritten from Bank a/c..

And immovable property(ies) by registered WILL.

The guidelines for nominee and beneficiary in valid WILL have already posted in detail.

You have already been served with notices by legal heirs. If last valid WILL is already submitted the legal heirs may contest IT.

So you may either proceed for probate after advice of authority or straight.

In case of any wrong approach the legal heirs can proceed against you and your own counsel must appraise you on IT. Nevertheless your posts have been properly, responded.

Rest is upto you.

Do approach a very able counsel, as already suggested for correct/legitimate advice!



🕒 07 December 2018

You are welcome!

Kumar Doab

(Expert)



🕒 11 December 2018

Nominee is mere trustee. Nominee has to distribute the proceeds amongst legal heirs.

You have been advised in detail in all threads initiated by you. GO thru all threads carefully and do not fall for any advice by any Lawyer/Advocate to indulge in any illegal act.

Kumar Doab

(Expert)

BY the way who was/is your counsel at LCI or outside LCI?

Who has asked to post query(ies)?

Have you paid any monies to anyone?



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