

WILL

PRACTICAL EXPERIENCE (Part 2)

- ❖ A Will is a document in which a person specifies the method to be applied in the management and distribution of his estate after his death.
- ❖ Often, the prospect of writing a will brings up feelings of discomfort. And yet, devising a will is one of the most important factors in estate planning. Doing so means that heirs will be provided for and your distribution wishes will be met.
- ❖ Like many people, have you postponed the task of writing a will? Or, is it time to review a will drafted years ago?
- ❖ If you die without a will, you automatically forfeit the chance to direct the dealings of your estate. A will is an opportunity for you to designate your own executor, guardians for minor children, and other fiduciaries.

REAL LIFE EXPERIENCES

(Real Names or other Particulars in all the below experiences / instances are not disclosed to maintain confidentiality of Transaction) :-

Ms. Nilima had some gold ornaments and a real estate property but in the joint name with her husband. Her husband passed away leaving behind her and their three children. She orally told how the stakes she owns will be partitioned after her death. She also drafted a Will by her own (not known by anyone) but due to lack of knowledge of the provisions of the law she didn't get it registered.

Later due to some medical complication and old age she lost her life. She was 60 years of age and is survived by her three children.

There arises suspicious circumstance as to oral and written Will.

What is Suspicious Circumstances in a will? Can a will concerning suspicious circumstances be valid?

Circumstances in the preparing or signing of a document which give rise to suspicion as to the signatory's mental ability, or fraud or duress. In simple words it can be said that the Will is unworthy of believing

In the case of Kavita Kanwar v. Pamela Mehta, the **Supreme Court** held that in case of any unfair disposition or unjust exclusion of legal heirs in a will, it can be regarded as a suspicious circumstance.

In Indu Bala Bose v. Manindra Chandra Bose the **Supreme Court** described the term "suspicious" in the following words "Needless to clarify that every and all situation is not a 'suspicious' situation. A situation may be suspicious because it is not usual or is not expected naturally in a common case or is not expected from a regular individual."

WHY DRAFTING A WILL THROUGH A PROFESSIONAL NECESSARY?

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“Making a will by yourself” often do not contain all the necessary components as required by law and many times ruled as invalid by courts. A qualified, experienced, legal professional can help ensure your will is properly written and contributes to the overall success of your estate plan.

Simply a professional can give you a **specific guidance**.

The topic may be emotionally challenging, but when the many advantages are considered, they far outweigh temporary discomfort..... A will, however, does have the potential to cover all assets, leaving no property unaccounted for and no stone unturned....

Please feel free to reach out to us!!!

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Thanks and Regards
Team ~ K. Bagla & Associates
Your Compliance Partner!

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