**Affidavit with Application for Registration of Will after death of Testator.**

**Format of Affidavit to application for registration of will after the death of testator.**

Application for Registration of will after the death of Testator should be attached with affidavit by witnesses to the Will mentioning that the testator was healthy and of sound mind at the time of execution of the will. The testator executed his will on \_\_\_\_\_ of his own free will. That the testator signed the will after reading and understanding its contents in the presence of witness etc.

Sample Format of Affidavit to application for Registration of will after death of testator:

**BEFORE THE SUB REGISTRAR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In the matter of registration of the will executed by Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.  
  
Affidavit of Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_\_\_\_\_\_\_\_\_\_ years, son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_\_\_\_\_\_\_\_\_\_\_\_\_ years, son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ resident of\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
  
We ,the above named deponents do hereby solemnly affirm and state as under:  
  
1. That we, the deponents, are the witnesses to the execution of the will executed by Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and as such fully acquainted with the facts deposed to below.

2. That the aforesaid testator Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_ executed his last will on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in our presence.

3. That the testator was healthy and of sound mind at the time of execution of the will.

4. That the testator executed his will on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of his own free will.

5. That the testator signed the will after reading and understanding its contents in our presence.  
  
We, the above deponents do hereby declare and verify that the contents of Para No. 1 to 5 are true to our knowledge and nothing material has been concealed, no part of it is false. So help us God.  
  
Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_20\_\_\_\_ 

**DEPONENT                                DEPONENT**

## Guidance regarding Registration of will after death of Testator

The Will can be registered even after the death of testator.  
  
Claiming party under the will have to produce will, records relating to the death of the testator, witness and the scribe before the Sub Registrar.  
  
Affidavit has to be filed by 2 attesting witness before Sub registrar that testator had executed will in our presence , that testator was of sound mind and healthy at time of execution . that testator executed will of his own free will .  
  
If Sub Registrar is satisfied about the truth and genuineness of the execution of the will, he will register.

**Time Limit for Registration of Will**  
No time-limit has been prescribed under the law for registering the will and hence a will may be presented for registration at any time. Section 27 of the Indian Registration Act 1908 may be referred. Provision regarding registration of will have been given in section 40 and 41 of the Indian Registration Act.

**Is it Compulsory to Register a Will after the death of testator**  
Once the testator is dead, there is no need to register a will. If an executor is named the party may approach the court for Probate, if no executor is named then the party may seek Letters of Administration.