

Part VIII - Wills and Authorities to Adopt - One-page Cheat Sheet

2-minute summary: Identify who may present a will or authority and apply the special proof rules without treating registration as proof of validity.

Provision map

40: Persons entitled to present wills and authorities to adopt; 41: Registration of wills and authorities to adopt

Workflow

1. Classify document and rights. 2. Capture State sources. 3. Verify title/authority/stamp. 4. Compute time, fee and office. 5. Present and admit. 6. Reconcile certificate/copy and remedies.

Red flags

Wrong instrument label; stale State rule/fee; incorrect office; late presentation; invalid POA; missing maker; denial of execution; insufficient stamp; missing annexure; portal copy mismatch; unrecorded refusal.

Evidence file

Act and State sources; title/property; authority; final instrument; stamp/fee; identity; witnesses; portal and office receipts; endorsements; certificate; registered copy; searches; refusal/remedy chronology.

Practical scenario

A testator registers or deposits a will, but later capacity and undue-influence allegations arise. Registration/deposit supports custody and evidence but does not replace proof of execution, attestation, capacity or probate requirements.

Key calculations

Custody route	Compare ordinary registration, sealed deposit and private custody.
Succession cost	Estimate certified copies, probate/court fee and administration.
Evidence quality	Score contemporaneous medical, witness and execution evidence.

Remedy and forum

Preserve presentation/delay, Registrar and section 77 clocks. Separate administrative registration remedy from title, specific relief, cancellation, injunction, damages, criminal and writ strategy.

Source warning

State amendments, section 69 Rules, fee tables, office jurisdiction, valuation and online workflows vary. Verify transaction-date official sources.