

Part VIII - Wills and Authorities to Adopt

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

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Dedicated Finin2min Summary - Chapter in 2 Minutes

- Section 40: Persons entitled to present wills and authorities to adopt - convert into a State-source, deadline and evidence control.
- Section 41: Registration of wills and authorities to adopt - convert into a State-source, deadline and evidence control.
- Identify who may present a will or authority and apply the special proof rules without treating registration as proof of validity.
- Verify current State amendments, section 69 Rules, fees, portal and office jurisdiction.

Current statutory text / controlled source map

Section 40 - Persons entitled to present wills and authorities to adopt.

Section 41 - Registration of wills and authorities to adopt.

Section-by-section provision map

Provision	Subject / status	Finin2min decode, implementation and evidence
Section 40	Persons entitled to present wills and authorities to adopt <i>Operative subject to current Central and State law</i>	Section 40 governs persons entitled to present wills and authorities to adopt. Identify actor, trigger, document, property, time, office, authority, evidence, State rule and legal consequence before acting. Implementation: Create a transaction-date checklist linking the Central section, current State amendment/rule, office notification, portal workflow, form, fee, stamp, identity evidence and remedy clock. Preserve the exact source version used. Evidence: Official Act and State source; executed instrument; title/property description; stamp/fee proof; identity/authority; appointment/presentation receipt; endorsements/certificate; certified copies; notices and remedy chronology.
Section 41	Registration of wills and authorities to adopt <i>Operative subject to current Central and State law</i>	Section 41 governs registration of wills and authorities to adopt. Identify actor, trigger, document, property, time, office, authority, evidence, State rule and legal consequence before acting. Implementation: Create a transaction-date checklist linking the Central section, current State amendment/rule, office notification, portal workflow, form, fee, stamp, identity evidence and remedy clock. Preserve the exact source version used. Evidence: Official Act and State source; executed instrument; title/property description; stamp/fee proof; identity/authority; appointment/presentation receipt; endorsements/certificate; certified copies; notices and remedy chronology.

Finin2min implementation explanation

Classify the document and operative rights. Build the Central and State source pack. Verify title, authority, stamp, property description, time, office, presenter, identity and execution. Reconcile the final registered record and preserve remedies.

Practical examples and calculations

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.

Control	Method	Evidence
Custody route	Compare ordinary registration, sealed deposit and private custody.	Testator instructions and office procedure
Succession cost	Estimate certified copies, probate/court fee and administration.	State court-fee and succession law
Evidence quality	Score contemporaneous medical, witness and execution evidence.	Medical and witness file

Practical transaction application

Classify document; capture State sources; verify title/authority/stamp; compute time, fee and office; present and register; reconcile final record and remedies.

Authority, consent and execution controls

Confirm parties, entity authority, approvals, power of attorney, execution date, witnesses, attestation, identity and admission.

Stamp duty and registration alerts

Apply current State instrument classification, market value, duty, fee, concessions, adjudication, impounding and prohibited-document controls.

Evidence and document-retention checklist

Retain source pack, title/property, authority, final instrument, stamp/fee, identity, portal/office receipts, endorsement, certificate, registered copy and remedy chronology.

Performance, delivery and payment controls

Use closing conditions, escrow/retention, originals handover and post-registration filings; compare executed, uploaded and registered versions.

Breach, loss, mitigation and remedy framework

Separate refusal, title, stamp, fraud, execution and data issues; select appeal/application/suit, specific relief, injunction, damages or criminal response.

Limitation and forum controls

Compute presentation, delay, Registrar, section 77 and substantive relief clocks; select civil, commercial, RERA, revenue, writ or ADR route.

Arbitration and mediation interface

ADR may resolve contract issues but cannot replace statutory registration functions or adjudicate all title/public-record questions.

Company, partnership, GST and tax overlays

Apply entity authority, charges, TPA, RERA, Stamp, TDS, capital gains, valuation, GST, FEMA and insolvency.

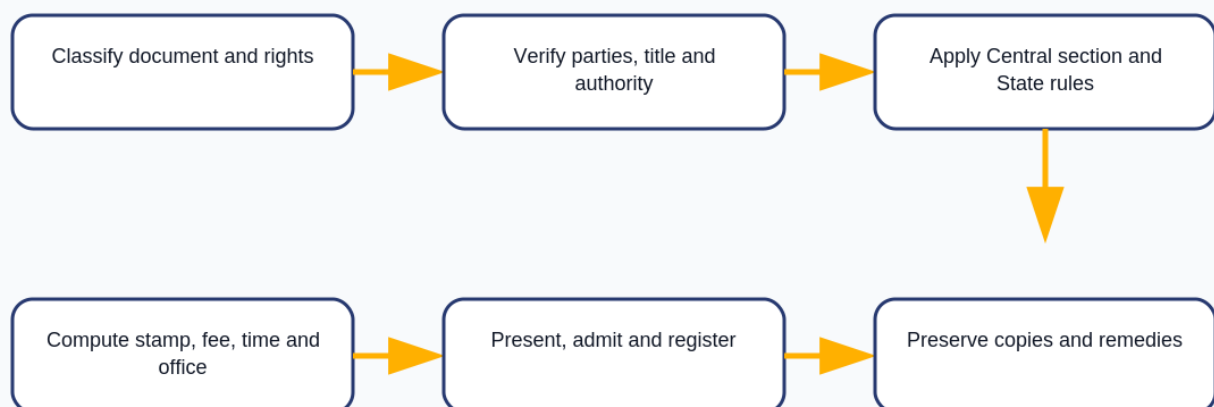
Finin2min Q&A;

Registration is not title insurance. State rules and portal controls are essential. Preserve the exact source and evidence pack.

Chapter-specific decision flowchart

Classify -> verify title/authority -> apply Central and State law -> compute stamp/time/office -> present/register -> preserve record/remedies.

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Finin2min registration decision flow - verify current State law, portal and office notification

Official source: <https://www.indiacode.nic.in/bitstream/123456789/2190/5/A1908-16.pdf>

Legal-use note: verify current Central and State law, rules, fee table, portal and office jurisdiction before reliance.