



W I L L J I N I

WITNESS TO A WILL



WITNESS TO A WILL

- Once the Will has been drawn up, it is not completed until it has been signed in the presence of two witnesses.
- In order to evident your Will to be valid, in addition to your own signature in your will, the signature of two Witnesses are necessary.
- A will's validity depends on many factors, including who acts as witnesses for your will. The person must be impartial in case they are called to testify about your will's validity and your competence at the time of writing it.

WHO CAN SERVE AS A WITNESS TO YOUR WILL?

- Anyone can be a Witness to your Will subject to that they are above 18 years of age and mentally competent but not blind.
- You should choose two such witnesses for your Will whom you trust and are independent as possible.
- Ideal witnesses could be distant relatives, friends, work colleagues, neighbours, etc. and that you expect to outlive you.
- You should not just choose someone unknown to you unless absolutely necessary.

THE PURPOSE OF WITNESSES

- The main role of witnesses is to ensure that the testator have the mental capacity and intent to make a will.
- The witnesses are required to confirm the signing is completed by you and without any pressure from anyone else.
- Witnesses are there to certify you have made the will, but they don't have to know the will's contents.

THE REQUIREMENT OF WITNESSES IN A WILL?

- If a will is contested, the witnesses may be called on to testify about the signing of the will.
- It is advisable that the witnesses should be younger than the person making the Will.
- Witnesses should be competent and credible to be able to testify persuasively in the event the authenticity of the will is questioned before the Court of law.

WHETHER THE WITNESSES NEED TO KNOW THE CONTENTS OF THE WILL?

- It is not necessary for witnesses to read the contents of the will; they just need to see that the testator has a document referred to them as his/her will.
- The testator is not required to share the contents of his/her Will to the witnesses for their signatures.
- Your witnesses do not need to know or understand all what is contained in your will, only that you are sure that this document is your will and that you are satisfied with its contents.

WHO SHOULD NOT BE A WITNESS?

- A witness to a will shouldn't benefit from the will. If a witness stands to gain in any way or is named as a beneficiary of the will, they cannot serve as a witness.
- You should only choose someone as a witness who does not have a conflict of interest or potential bias.
- The beneficiary to a will isn't allowed to be named as witness as most of the people bequeath properties through their will to family members or heirs, having them witness your will could leave it open to challenges or force your family members to lose what you've left them.

CAN AN EXECUTOR IN A WILL CAN ALSO SERVE AS A WITNESS?

- The person you choose to be your executor can be a witness too if they are not also a beneficiary or stand to gain a benefit from your will.
- As stated earlier, it is optimal to choose someone who does not have any appearance of a conflict of interest or have bias

WHEN AND HOW WITNESSES SIGN A WILL?

- The signatures of the Witnesses must be added to the document on the same occasion as that of the testator. Both the Witnesses must sign in the testator's presence (i.e. in front of testator and the testator must know that both the witnesses are signing his/her will). The testator must also sign the Will in the presence of both the Witnesses.
- In this way, they give a guarantee that the testator has made the Will and sign the same of own free will. Furthermore, both witnesses must sign the document together; if this has not happened, then the entire document is considered void.

KNOW MORE

To Know More, visit @ www.willjini.com
Willjini Succession Services Pvt. Ltd.

Get an on-line Will in just 30 minutes @ Rs.
4000+Service Tax , no call, no emails, no
meeting.....