**WILL BY HUSBAND**

**(PROVIDING FOR WIFE, A SON OF FULL AGE AND A MARRIED DAUGHTER)**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Name]], son of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [[Father’s name]], aged\_\_\_\_\_\_ [[Number]] years, resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [[Permanent address]], do hereby revoke all my former Wills, Codicils and Testamentary dispositions made by me. I declare this to be my last Will and Testament.

I maintain good health, and possess a sound mind. This Will is made by me of my own independent decision and free volition. Have not be influenced, cajoled or coerced in any manner whatsoever.

I hereby appoint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Name]], as the sole Executor of this WILL.

The name of my wife is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Name]]; aged \_\_\_\_\_\_\_[[Number]] years; resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Address]]. We have \_\_\_\_\_\_[[Number]] children namely, \_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Name]], \_\_\_\_\_\_[[Age]] I own following immovable and movable assets.

[[Details and description of movable and immovable property owned]]

All the assets owned by me are self-acquired properties. No one else has any right, title, interest, claim or demand whatsoever on these assets or properties. I have full right, absolute power and complete authority on these assets, or in any other property which may be substituted in their place or places which may be Acquired or received by me hereafter.

I hereby give, devise and bequeath all my properties, whether movable or immovable, in the following manner-

Residence for wife—I declare that no sale shall be made of my real estate [the house in which I now reside known as\_\_\_\_\_\_\_\_\_\_\_] [the house and the land registered with sub-Registrar of\_\_\_\_\_\_\_\_\_\_\_\_ title No\_\_\_\_\_\_\_\_\_\_\_] during the lifetime of my wife without her consent in writing and that until the sale thereof my trustees shall have power to permit my wife to occupy the same.

Trusts of residue—My trustees shall hold the net proceeds of the said sale and conversion and my ready money upon the following trusts :

(a) Upon trust to pay the income of such residuary estate unto my wife during her life [widowhood.]

(b) After the death [or remarriage] of my said wife my trustees shall divide my residuary estate into two equal parts.

(c) My trustees shall hold one such equal half part upon trust for my son \_\_\_\_\_\_\_\_\_\_\_\_[[Name]] absolutely or upon trust to pay the income therefore to my said son during his life and subject thereto upon trust in equal shares if more than one for all the children of my said son [[being male]] who shall attain the age of [[eighteen]] [twenty-one] years or [[being female attain the age of 18 or] previously marry.]

(d) If there shall be no child of my said son or no child who shall attain a vested interest under the above trust then the said equal half part shall accrue to, and be held upon, the trusts of the other equal half part hereinafter declared or upon such as shall be still subsisting at the date of such accrue.

(e) My trustees shall hold the income of the other equal half part upon protective trusts of the benefit of my daughter \_\_\_\_\_\_\_\_\_\_\_[[Name]] during her life.

(f) My said daughter shall have power by will or codicil to appoint to her husband who may survive her a life or less interest in such income.

(g) From and after her decease and subject to any such appointment as aforesaid to a surviving husband such share and the income thereof shall be held upon trust for such one or more of her issue immediate or remote born before the expiration of twenty-one years after her decease as she may by will or codicil appoint.

(h) In default of any such appointment and so far as any such appointment shall not extend such share shall be held upon trust in equal shares if more than one for all the children or any the child of my said daughter who [being male] attain the age of [eighteen] [twenty-one] years or [being female attain that age or] previously marry. Provided nevertheless that no child of my daughter shall take any part of my daughter’s share in default of appointment under this present trust without bringing into hotchpots any part of the said share which she may have appointed in favor of such child or such child’s issue under the power hereinbefore contained unless my daughter shall direct to the contrary.

(i) Notwithstanding the protective trusts hereinbefore declared and without thereby determining my daughter’s life interest there under, my daughter :

(i) may by deed or deeds with the concurrence of my trustees therein expressed (which concurrence they shall have absolute power to give or withhold) assign any part or parts not exceeding in the whole one moiety of the income of such settled share to any of her child or children who shall at the date of such assignment have attained the age of [eighteen] [twenty-one] years or have married or shall marry within one month thereafter :

(ii) may give any consent to any act or thing which my trustees are hereby or by statute authorized to do ;

(iii) may enter into any covenant or contract as part of or incidental to a transaction approved by the court under Indian Trusts Act.

(l) If the trusts hereinbefore declared concerning the share of my said daughter shall fail then subject to the trusts powers and provisions hereinbefore declared and contained and to the powers by law vested in my trustees and to every and any exercise thereof my trustees shall stand possessed of such share and the income thereof in trust for such person or persons and for such purposes as my daughter shall by any deed or deeds revocable or irrevocable or by will or codicil appoint.

(m) If under the preceding trust of my daughter’s half share there shall be no person or persons who attain a vested interest in such share or part thereof, then so far as such trusts fail the share shall accrue to and be held upon the trusts of the other equal half part hereinbefore declared or upon such as shall be still subsisting at the date of such accrue.

**5.** If either my said son or my said daughter shall die in my lifetime leaving issue living at my death issue [being male] attaining the age of [eighteen] [twenty-one] years or [being female attaining that age or] marrying there under shall take by way of substitution in equal shares if more than one the share given to my said daughter or my said son had she or he survived me provided always that no issue shall take whose parent is alive at the date of my death and so capable of taking.

In all other respects I hereby confirm my said will dated \_\_\_\_\_\_\_\_[[Date]].

IN WITNESS WHEREOF I, the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Name]], sign this will on the \_\_\_\_\_\_\_[[Date]] at \_\_\_\_\_\_\_\_\_\_\_[[Place]] in the presence of the witnesses hereunder mentioned who will attest the same in my presence.

**DEPONENT**

[[Name]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[Contact]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[Address]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WITNESSES

1. [[Name of the Witness:]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[Address of the Witness]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [Signature]

1. [[Name of the Witness:]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[Address of the Witness]] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [Signature]

**VERIFICATION**

I, above named deponent do hereby and take oath that the contents of affidavit are true and correct with my knowledge and available record.

Date: \_\_\_\_\_\_\_\_\_[[Date]]

Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_[[Place]]

DEPONENT