

1. Is there any difference between civil and criminal proceedings?

In criminal proceedings, the aim is to punish an offender and proceedings is always between the State and the accused. In a civil proceeding, the aim is to recover property or money, and to order compensation or to grant relief based on a right which has arisen in favor of the person seeking the relief.

2. What are the rights, which can be enforced, in a civil proceeding?

Under Section 9 of the Code of Civil Procedure, every right of a civil nature can be enforced in a civil court.

3. Can the State be a party to civil proceeding?

The State can be a party, if a civil right is claimed by or against the State.

4. What is the meaning of a "cause of action"?

a) "Cause of action" is the set of facts which a person must prove in court, to win a civil suit. It has two aspects, factual and legal, though lawyers often confuse the two. b) From the factual point of view, a person suing in court (the plaintiff) has to all Facts that make up or support his claim. c) The concept of cause of action has a legal aspect also. A person suing in court may be able to establish all facts he has in mind to seek relief. But if those facts themselves do not give rise to a legal right, then even on the established facts, no ground for relief arises.

5. How does a civil suit begin?

A civil suit begins by 'presenting' a 'plaint' to court. This can be done personally or through a pleader or an authorized agent.

6. What are the matters to be borne in mind regarding the jurisdiction of courts?

A suit should be filed only in the court competent to try the particular suit. Limits on the jurisdiction of a court may be (a) monetary limits (b) limits regarding nature of the subject matter (c) local limits. Lower courts can try cases not exceeding a certain value. Again, some suits can be filed only in specified courts. For example suits regarding public trusts can be taken up by the District Judge. "Writs are extraordinary proceedings and can be taken up only in High Courts or the Supreme Court. Most important are local limits on the court's jurisdiction".

7. What is pleading?

Pleading necessarily means plaint or written statement. The facts upon which a suit is based or a defense is raised should be specifically pleaded. Pleadings must be liberally construed. The object of the pleading is to ascertain the real dispute between the parties (Order VI).

8. What particulars must be given in the pleadings?

a) The pleading must contain only the statement in concise form of the material facts on which the party pleading relies for his claim or defence. Pleas and facts constituting them should be clearly expressed. Evidence need not be pleaded. Pleadings need not refer to provisions of law when necessary averments are

made. There is a distinction between a pleading under the Code of Civil Procedure and a writ petition or a counter-affidavit. In a pleading (plaint or written statement) only facts are required to be pleaded while in a writ petition or counter affidavit not only the facts but also the evidence in proofs of such facts have to be pleaded and annexed to it. A plaintiff is not entitled to relief upon the facts and documents which are neither stated nor referred to in the pleadings. b) If a party relies on any misrepresentation, fraud, breach of trust, willful default or undue influence, then all such particulars must be stated in the pleading. c) Every pleading shall be signed by the party and his pleader. In cases where the plaintiff or the respondent is not able to sign due to any reasonable cause, then the pleading may be signed by any person duly authorized by the parties concerned. d) Address must be furnished in every pleading. e) Every pleading shall be verified by the party or one of the parties pleading or other person who is acquainted with the facts of the case (Order VI).

9. What particulars should a plaint contain?

a) The name of the court in which the suit is brought. b) The name, description and place of residence of the defendant, as far as they can be ascertained. c) The name, description and place of residence of the plaintiff. d) Where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect. e) The facts constituting the cause of action and when it arose. f) The facts showing that the court has jurisdiction. g) The relief, which the plaintiff claims. h) Where the plaintiff has allowed a set-off or relinquished a portion of his claim the amount so allowed or relinquished. i) A statement of the value of the subject matter or the suit for the purpose of jurisdiction and court fees, so far as the case admits. j) The relief which the plaintiff claims either simply or in the alternative; and k) Relief in respect of several distinct claims or causes of action founded upon separate and distinct grounds must be stated separately and distinctly.

10. Is there a form prescribed for the "plaint"?

a) No particular form is prescribed. (Although some forms are given as specimen in a schedule to the code, they are not obligatory. b) However, it is necessary that the plaint should be divided into numbered paragraphs. c) Facts should be stated briefly and there should be no repetition. d) Legal propositions are not required to be stated in the "plaint"

11. What is the reply to the "plaint" called?

The reply to the "plaint" as given by the defendant is called "written statement" (Order VIII).

12. What are rules for drafting written statement, set off and counter-claims?

The defendant must raise all matters in his plead which show that the suit is not maintainable or such ground for defence. New facts must be specifically pleaded. It is the duty of defendant to produce the document upon which relief is claimed by him.

13. What is the proper way of denying an allegation made by the plaintiff?

The denial must be specific and not evasive.

14. Can a judgment be passed by the court without hearing the arguments?

If the Judge commences to write a judgment before the completion of entire evidence and does not hear the arguments of the counsel, then it is considered as gross irregularity in the trial of the case. The court is bound to hear the party and an application presented before the passing of final decree cannot be rejected without hearing.

15. What are the consequences if the Witness fails to appear before the court?

As such it is the duty of the person or witness summoned to give evidence or produce document at the time and place named in the summons. But if the person does not appear or appears but fails to satisfy the court, the court can impose a fine not exceeding five hundred rupees or attach his property. If the witness is confined or detained in a prison, then the court has power direct the officer-in-charge of the prison to bring such person before the court for giving evidence.

16. What is "Adjournment" and what is the procedure for seeking adjournment in the court?

'Adjournment' in legal sense means putting off or deferring proceedings in a case before court to another day. Adjournment is a matter of discretion of the Court which must be exercised, according to the well established principles and not in an arbitrary manner. Sufficient cause must be shown to seek adjournment of the hearing of the suit, at any stage of the time (Order XVII). The court can also impose cost on the party seeking adjournment if the court postpones the further hearing of the suit.

17. Is it necessary to engage a lawyer?

No. A party can appear in person in court and conduct his or her own case.

18. What happens to the suit if the plaintiff does not appear at the hearing of the suit?

a) If the plaintiff does not appear at the first hearing, the suit must be dismissed. The law is mandatory on the point (O. X - Rule 8). b) However, if the plaintiff can later satisfy the court that he was prevented by sufficient cause, from appearing at the earlier hearing he can apply to the court for restoring the suit.

19. What are the consequences of plaintiff failure to pay either the court fee or the posted charges (called talbana in District Courts) for service of summons?

On the failure of the plaintiff to pay the court fee or postal charges for service, the court may make an order that the suit be dismissed (O.IX - R.2).

20. What will be the fate of the suit if neither party appears?

The court may make an order that the suit be dismissed (O.IX - R.3). But, if the plaintiff satisfies the court that there was sufficient cause for such failure to either pay the court fee or talban or non appearance in court, then the court must restore the suit (O.IX - R.4).

21. What is the position if the defendant does not appear at the hearing of the suit?

a). If the defendant does not appear the court can proceed to hear the suit in his absence, that is to say, the suit is heard 'ex-parte'. b). However, if the defendant can later satisfy the court that his absence at the earlier hearing was due to sufficient cause, he can apply to the court for an order that he be join the proceedings.

22. Can a judgment be passed ex-parte?

a). Yes, if the court has ordered that by reason of the defendant's absence, the Case should proceed ex-parte. After such an order, the court can proceed even To pronounce judgment ex-parte if the stage for judgment arrives. b). However, such an ex-parte judgment can be set aside by the court if the defendant subsequently applies for setting it aside on the ground that (i) he had not been served with "summons"(notice of suit) or (ii) that though he had been served with the notice, he could not appear and that his non-appearance was due to sufficient cause.(AIR 1955 SC 425).

23. Can a civil court give an oral judgment?

No. A judgment must be in writing and must contain the points for decision, the decision on those points and reasons for the decision.

24. What is the distinction between "judgment" and "decree"?

'Decree' means judicial determination of the matter in dispute by the court in which the court determines the rights of parties to the dispute. Such determination of rights must not be subject to terms of conditions. Thus, the decision should be complete and final as regards the court which passes it. 'Judgment' means a statement given by judge of the grounds of a decree or order. A judgment includes points of dispute, the decision and the reasons for such decision. It is not necessary to give a statement by the judge in a decree but it is necessary in a judgment.

25. What is procedure for procuring copies of judgment?

The copies of type written judgment are available to the parties after the pronouncement of the judgment on payment of such charges as prescribed by the High Court Rules.

26. What is meant by 'execution'?

'Execution means the enforcement of the decree.

27. What is the meaning of 'affidavit'?

a) An affidavit is a statement in writing made on oath before the competent authority (say, an Oath Commissioner). This is later produced in court to support the case of the party at whose instance the affidavit was sworn by a witness. b) Generally, witnesses must themselves give evidence in court. But the law allows affidavits to be given in evidence for certain purposes e.g.in support of applications for temporary orders

28. Can a suit be withdrawn?

Yes, but once a suit is withdrawn, the plaintiff cannot file a fresh suit on the same cause of action i.e. for enforcement of the same claim unless he had obtained. from the court, permission for filing a fresh suit.

29. Can a suit be compromised or settled?

Yes, the parties can, by mutual agreement, settle the dispute and reach a compromise.

30. Can a suit be filed by or against the Government or public officers in their Official capacity?

Yes, a suit can be filed by or against the Government. But, no suit can be instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity until two months, next has expired after the notice in writing has been delivered to the Central Government or State Government or any other functionary of the Government (Section 80 of Civil Procedure Code). The Government pleader in any court is the agent of the Government for the purpose of receiving processes against the Government issued by such courts.(O.XXVII).

31. Has a poor person (indigent person) any privileges in litigation?

A person is considered as an indigent person if he is not possessed of sufficient means to enable him to pay the fees prescribed by law for the plaint in such suit. Every application for permission to sue as an indigent person, in proper form and duly presented, will be examined by the court regarding the merits the claim and the property of the applicant. If the court grants permission to the applicant to sue as indigent person, then such a plaintiff is not liable pay any court fee in respect of his petition. The court may also assign a pleader to an un-represented indigent person. If the indigent person succeeds, then the court can order the Government to recover the court fees from any party ordered by the decree to pay the same (Order XXIII).

32. What is injunction?

An 'injunction' is a judicial process whereby a party is ordered to refrain from doing or to do a particular act or a thing.

33. What are the consequences of breach of an injunction?

The consequences are : 1. The court may order that the property of the person guilty of such disobedience be attached. 2. Such person may also be arrested for 3 months (maximum punishment) unless the court directs his release. 3. If such breach continues for more than one year, the court may sell such property and award suitable compensation to the injured party.

34. What are Interlocutory Orders and why are they passed?

Any order, which is not the final order in a suit, is called an Interlocutory Order. Interlocutory orders are passed to assist the opposite parties in its prosecution of their case. They are intended to prevent the ends of justice from being frustrated.

35. What is appeal?

Appeal means judicial examination of the decision by a higher court. It is a remedy for getting the decree of the lower court set aside.

36. What is meant by "revision"?

"Revision" connotes the power of the High Court to interfere with the Judgment of a lower court in interests of justice. While appeal is a right, revision is a matter of discretion of the High Court. It is an extraordinary power.

37. What is the distinction between appeal, revision and review?

Appeal lies to a superior court which may or may not be a high court But revision application lies only to High Court. Appeal is a right given by the Statute while revision is only a privilege. Power of revision is exercised by a superior court to a court which decides a case, but the power of review is exercised by the same court which passed the decree or order. Power of revision is exercised only when there is no appeal To the High Court but review can be made ever when such appeal lies.

38. What is the meaning of "res judicata"?

'Res' in Latin means thing a 'Judicata' means already decided. This rule operates as a bar to the trial of a subsequent suit on the same cause of action between the same parties. Its basic purpose is - "One suit and one decision is enough for any single dispute". The rule of 'res judicata' does not depend upon the correctness or the incorrectness of the former decision. (AIR 1983 NOC 69 (All). It is a principle of law by which a matter which has been litigated cannot be re-litigated between the same parties. This is known as the rule of "res judicata" (thing decided). The aim of this rule is to end litigation once a matter has been adjudicated. It aims to save the court time and prevent harassment to parties.

39 .What are the objects of summary procedure?

The object of summary procedure is to prevent unreasonable obstruction by the defendant who has no defence and quick disposal of a suit. Under this procedure, the defendant is not allowed to defend his case unless he obtains leave to defend from the court.

40. What are the forms of "cruelty" recognized by the Courts?

* Persistent denial of food, * Insisting on perverse sexual conduct, * Constantly locking a woman out of the house, * Denying the woman access to children, thereby causing mental torture, * Physical violence, * Taunting, demoralising and putting down the woman with the intention of causing mental torture, * Confining the woman at home and not allowing her normal social intercourse, * Abusing children in their mother's presence with the intention of causing her mental torture, * Denying the paternity of the children with the intention of inflicting mental pain upon the mother, and * Threatening divorce unless dowry is given.

41. What is a "matrimonial home"? What rights do women have in their matrimonial home?

The matrimonial home is the household a woman shares with her husband; whether it is rented, officially provided, or owned by the husband or his relatives. A woman has the right to remain in the matrimonial home along with her husband as long as she is married, though there is no definite law regarding this right. If a woman is being pressurized to leave the matrimonial home, she can ask the Court for an injunction or "restraining order" protecting her from being thrown out. This can usually be obtained quite easily. It is generally advisable not to leave the matrimonial home; it is easier to get a court order preventing a woman being thrown out than to get an order enforcing her right to return to it once she has left or been thrown out.

42. What is an "Injunction" and how does it apply to domestic violence cases?

An injunction is a court order directing a person to do or not to do something. A woman has a lot of flexibility regarding what she can request the Court to order. For instance, If she is being stalked by somebody (including her husband), she can obtain injunctions against the person coming near her home or place of work, or even telephoning her.

43. What can be done in the case of dowry-related harassment or dowry death?

Section 498-A of the Indian Penal Code covers dowry-related harassment. As with other provisions of criminal law, a woman can use the threat of going to court to deter this kind of harassment. The Indian Penal Code also addresses dowry death in Section 304-B, If a woman dies of "unnatural causes" within seven years of marriage and has been harassed for dowry before her death, the Courts will assume that it is a case of dowry death. The husband or in-laws will then have to prove that their harassment was not the cause of her death. A dowry death is punishable by imprisonment of at least seven years. When filling an FIR (First Hand Report), in a case where a woman is suspected to have been murdered after a history of torture due to dowry demands, the complaint should be filed under section 304-B rather than under section 306, which deals with

abetment to suicide. Section 306 should be invoked when a woman commits suicide because of dowry-related harassment.

44. Can you refuse to have sex with your husband? is there a law on marital rape?

Since India does not have a law on marital rape, even If a woman's husband has sexual intercourse with her without her consent, he cannot be prosecuted for rape. However, excessive and unreasonable demands for sex, or demands for unnatural sex have been considered forms of cruelty and may entitle a woman to a divorce. If a woman is judicially separated, her husband cannot have sexual intercourse with her without her consent. If he does, he can be prosecuted under section 376-A of the IPC. Note that consent under pressure (e.g. because of threats to injure or to stop paying maintenance) is not considered valid.

45. What can a woman do to prevent domestic violence?

One option is to get the woman's husband to execute a "bond to keep peace", or a "bond of good behaviour" through the Executive, Magistrate who can order the husband to put a stop to domestic violence. The husband can also be asked to deposit securities (i.e. money of property) that will be forfeited if he continues to act violently?

46. Distinction between Civil and Criminal Law

The distinction between civil and criminal law is a basic part of the Indian legal system. Civil laws deal with the rights and obligations of people and what is needed to protect them, While criminal law deals with offences and their punishment. In a criminal offence, the State takes upon itself the responsibility to investigate and collect evidence (through the police), to fight the case in court (through a public prosecutor) and enforce the punishment. Robbery, murder and kidnapping are examples of criminal offences. Criminal offences are dealt with by the Indian Penal Code (IPC). The Procedure by which a criminal trial is conducted is quite different from the processes involved in a civil trial. An important difference is that the "standard of proof" required in criminal cases is much higher than in civil cases. Since criminal law is centrally linked with issues of punishment, allegations and facts must be proved "beyond reasonable doubt", so that innocent people are not punished. In civil cases, the courts scrutinise the "balance of probabilities" before deciding in chose favour to make a judgement. However, there are some situations in which both civil and criminal law apply. Inflicting physical violence on a wife or daughter-in-law as well as subjecting her to cruelty - physical, mental or emotional - in a marriage is not only a civil offence and provides ground for divorce (a "matrimonial offence") , but is also a criminal offence under the Indian Penal Code, for which a person can be imprisoned. The laws dealing with marital abuse have been made very stringent through amendments in the Indian Penal Code and the Evidence Act.

47. How long after marriage can a person seek divorce Under Hindu Law ?

Under Section 14 of the Hindu Marriage Act, 1955, no petition for divorce can be filed within one year of the marriage. But in case the petitioner's case is of exceptional hardship High Court is empowered to grant leave to file the case before the expiry of one year.

48. If the Husband marries another woman, What action can be taken Under Hindu Law?

Under Section 17 of the Hindu Marriage Act, bigamy is punishable Under Section 494 & 495 of the Indian Penal Code. Section 494 prescribes for imprisonment, which may extend to 7 years and fine. So a complaint be lodged against the husband with the police.

49. What is the minimum required age to marry under The Hindu Law ?

According to Section 5 (iii) of the Hindu Marriage Act, the bridegroom has to complete 21 years of age and the bride 18 years of age. Any marriage in contravention of this attracts simple imprisonment, which may extend to 15 days or fine, which may extend to Rs. 1000/- or with both.

50. How do you obtain divorce by mutual consent ? when can a person re-marry after obtaining a decree of divorce?

Divorce by mutual consent can be obtained by Husband and Wife in terms of Section 13 B of the Hindu Marriage Act, 1955. The provisions of the said Section require that the husband and wife should be living separately for a period of more than 1 year and they are not able to live together any further. "Living Separately" has been now defined by the Supreme Court as "not living as husband and wife and not performing marital obligation", even if the husband and wife are living under the same roof. A joint petition has to be filed in this regard and after the filing of the same, the Court grants a minimum period of six months (and maximum 18 months) for the parties to come again and make a statement confirming the said consent. It is only after this second consent having been given by both the parties after six months of the filing of the petition for mutual consent, that a decree for divorce is passed by the Court. If during this period of six months after the filing of the petition, any of the parties withdraws the consent, the divorce can not be granted. Further, apart from the same, before passing a decree of divorce, the court has also to be satisfied that the consent has not been obtained by force, fraud or undue influence. With regard to the re-marriage after divorce, Section 15 of the Hindu Marriage Act, 1955, provides that after a decree of divorce has been granted, in case there is no right of appeal against the decree or if there is a right, the time has expired without an appeal having been presented or if the appeal filed has been dismissed, it shall be lawful for either party to marry again. The period of appeal as provided under Section 28 of the Hindu Marriage Act is 30 days from the date of the decree or order.

51. If the Wife has left the house of her husband and was living away from him without any reasonable cause, can the husband be entitled

to judicial separation or divorce? Is there a time period for filing of divorce petition?

In case the wife has left the house of the husband and is living away from him without any reasonable cause, the husband is entitled to judicial separation or divorce. The condition however, is that the desertion of the wife should be for a continuous period of not less than two years, immediately preceding the presentation of the petition for grant of judicial separation or divorce.

52. If one of the spouse is not at all ready to give the divorce at any cost, then how much maximum time it can take to get the decree for divorce?

If one of the spouse is not ready to give divorce at any cost, then the remedy for the other spouse is to file a petition for divorce before the court. However, a divorce can only be granted under certain prescribed circumstances under Hindu Law which are described in Section 13 of the Hindu Marriage Act. These grounds include cruelty; desertion; voluntary sexual inter-course with another person; the other spouse being of unsound mind; conversion of religion by the other spouse; Leprosy; venereal disease; a spouse having renounced the world or being missing for a period of more than 7 years. The period of time for seeking a divorce decree can really not be specified, because it depends upon a number of circumstances. However, still a general estimate which can be given in an average litigation of such a nature is around 4 to 5 years before the District Court.

53. Once a joint petition for divorce is filed by mutual consent, is their a way (Legal loopholes / by pass procedure) to get the decree for divorce within 2 months of filing the petition and not after 6 months? If one manages to get the decree for divorce in 2 months (with the help of some X lawyer at some Y Court) then later on, can anyone of husband or wife at any point of time in his/her life appeal against the decree?

Although under the provisions of Section 13-B of the Hindu Marriage Act 1950, the requirement is that after the presentation of a petition for divorce by mutual consent, the court has to adjourn the matter for a minimum period of 6 months (and not later than 18 months) where after the parties have to again come back to the court for making s second motion confirming the mutual consent earlier given by them. However, In a number of judgments the courts have held that this period of six months can be waived if the court is convinced that the provisions of the said section have been complied with and that there in no force, undue influence or coercion exercised by one spouse against the other. The courts are a such granting decree for divorce by mutual consent without waiting for a period of six months specified under the Hindu Marriage Act. Such divorce decree granted prior to the period of 6 months cannot be normally challenged. It is only under vary rare circumstances where it is proved by the spouse that the said mutual consent was not given out of his/her free will or was given under some grave force or threat of life can the said decree for divorce be cancelled. But the same is also applicable to a divorce decree granted by mutual consent after waiting for a period of six months.

54. What is the right of husband on the child at the separation?

After divorce/separation, the husband can move an application for the custody of a child under Guardian & wards Act and if the parties are Hindu then under Hindu Minority & Guardianship Act. The husband also has a right to claim the right of meeting the child and to take the child during holidays till the disposal of the petition for custody. The parties can ask for the above said interim relief from the Court.

55. What is the punishment for a man who tortures a woman mentally, physically or verbally?

It is an offence punishable under section 498A of the Indian Penal Code, 1860, which is imprisonment for a term which may extend to three years and shall also be liable to fine.

56. Mental Cruelty can be pleaded as a ground for divorce.?

Mental Cruelty can certainly be pleaded to claim divorce from the other spouse. Under Section 13(1) (ia) of the Hindu Marriage Act, 1955, either spouse can seek divorce or judicial separation on the grounds of cruelty, which includes mental cruelty. The wife is fully justified in living away from the husband in case she is suffering mental cruelty at the hands of the husband. A petition for divorce or judicial separation can be filed detailing each and every incident of mental cruelty. The instances are required to be specific and should be of such a nature as to be construed of causing mental agony to the wife and should not be merely day to day minor quarrels which normally take place in a married life.

57. After separation I want to give one my houses to her and also give some amount of money. How can I do this. Is any registration required for giving her the house can the husband give any property to the wife at time of divorce?

The husband can give a house or any amount of money to his wife while agreeing for divorce by mutual consent. However, as the consent can always be withdrawn within the period of six months it is always better if the said transaction is carried out when the second consent statement is made after six months of the filing of the petition and when the divorce decree is being granted. The transaction of property requires registration with the Sub-Registrar. Since, no amount of consideration would be paid by the wife for acquiring the said property, It would be appropriate if a gift deed is executed and registered with the Sub-Registrar, after paying the requisite stamp duty on the same.

58. How can divorce be obtained Hindu Law?

In the event of your being a Hindu, that is Hindu, Sikh, Buddhist or Jain by religion, you would be governed by the provisions of the Hindu Marriage Act, 1955. Divorce under the said Act can be obtained only on the grounds specified under Section 12, whereby a person can seek divorce on the following grounds: (a) If the other party after the marriage had voluntary sexual inter-course with

another person. (b) If the other party after marriage has treated the complainant with cruelty. (c) If the other party has deserted the complainant for a continuous period of not less than two years. (d) If the other party has ceased to be Hindu by converting to another religion. (e) If the other party has been in curably of unsound mind or has been suffering from mental disorder of such a nature that the complainant cannot be reasonably expected to live with her/him. (f) If the other party has been suffering from an incurable form of leprosy. (g) If the other party has been suffering from venereal disease in a communicable form. (h) If the other party has renounced the world. (i) If the other party has not been heard of being alive for a period of over 7 years. Divorce can also be obtained by mutual consent by husband and Wife in terms of Section 13 B of the Hindu Marriage Act, 1955. The provisions of the said Section require that the husband and wife should be living separately for a period of more than 1 year and they are not able to live together any further. A joint petition can be filed in this regard and after the filing of the same the Court grants a period of six months for the parties to come again and make a statement confirming the said consent. It is only after this second consent having been given by both the parties after six months of the filing of the petition for mutual consent, that a decree for divorce is passed by the Court. If during this period of six months after the filing of the petition, any of the parties withdraws the consent, the divorce can not be granted.

59. What is a will? How do you make it ? How do you register it?

1. A WILL is a legal declaration of the intention of a person with respect to his property or will, which he desires to take effect after his death. WILL is an untitled document which take effect after the death of the person making the Will and it can be revoked, modify or substituted by the person executing the will at any point of his time during his life time. For executing the Will the person must be fully competent, he should not be a minor and should not be person of unsound mind. 2. The Will has to be in writing and has to state that the person executing the same is making it out of his own free will and in a sound disposing state of mind. It has to be signed by the executor of the Will and has to be attested by two witnesses atleast. 3. In the event of the person desiring WILL to be registered, he has to approach the office of the Sub-registrar and has to be accompanied by the person who have signed as witnesses on the said WILL. The executor of WILL as well as the attesting witnesses have to put their signatures and thumb impressions in the register maintained by the Sub-registrar. There are Sub-registrars for each district and you have to inquire from the concerned office as to which Sub-registrar you are required to get your WILL registered. The Sub-registrar would be as per the place of the residence of the person executing the WILL.