



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Revocation of will

THE REVOCABILITY OF A WILL:

Since a Will by its nature is revocable. Unless the testator dies with his last declaration of a Will, he can change or alter anytime or can cancel it either expressly or orally or even by implied gestures.

- Express Revocation: The express revocation consists of an oral or written declaration made by the testator. It can be done either orally or even in writing. The intention to revoke i.e., the reason behind such revocation should be unequivocal.

Codicil to the Will

If a testator intends to make a few changes to the will, without converting the whole will, he can accomplish that by creating a codicil to the will. The codicil may be finished in a comparable way as the will.

- Implied Revocation: In this state of affairs, the behavior of the testator is to be inquired into to ascertain whether he has revoked the will or any of the dispositions in it.

In both mentioned above instances, the working principle is that the testator should exhibit *animus revocandi* that is the Latin maxim for the purpose to abrogate the Will the testator must reveal the intentions for such action.

Where there provides reason of sickness someone is laid low with he could make disposition of his belongings supplied there's a critical apprehension of approximately his demise. That is comparable to the Latin *maxim donatio mortis causa*, items or bequests made in pendency of dying.

Notwithstanding its recognition under the Islamic law, the bequest on this situation must now not exceed one-third of the property of the testator.

Also few more circumstances as discussed:

- Attempt to suicide by Testator

If a will is executed via a person who has attempted to commit suicide, this sort of will is pondered as void under the Shia regulation. The good judgment behind this rule is that if a person has attempted suicide, he can't be held in his everyday country of thoughts instead, he is assumed to be mentally volatile and disturbed. But, under Sunni law, a will performed in such occasions is completely legitimate.

- Murderer of testator

A will comes into effect best after the death of testator. Thus there's a probability that a greedy and impatient legatee may motive the demise of the testator with a purpose to snatch the property as quickly as feasible. A legatee kills or reasons the loss of life of the testator both intentionally or accidentally isn't always allowed to take the need and normally disentitle to take the belongings. However, under Shia regulation, if a legatee reasons the dying of the testator either by chance, negligently or accidentally, then he's certified to take the assets and the will is treated as a legitimate will.

Death of the legatee before the will is performed:

Under Sunni law, the bequest will lapse and on the death of the testator, the bequeathed will go to heirs of testators.

Whereas under Shia Law, the legacy will only lapse if the legatee does not have any heir

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()