SAMPLE WILL

SAMPLE · WHAT YOUR WILL COULD LOOK LIKE

The Business Owner

Muslim (Sunni) · Second Marriage · Hyderabad

A first-generation entrepreneur running a Hyderabad-based auto-parts trading firm, protecting business continuity for his two adult children from his first marriage and making provision within Wasiyat limits for his young son from his current marriage.

This is a sample. It is not executed, not witnessed, and not a valid Will.

Introduction

What you’ll see in this sample

This document walks through what a completed Law Tarazoo Will looks like for the scenario — **Muslim (Sunni) · Second Marriage · Hyderabad**. The names, addresses and asset values are fictional but chosen to reflect a realistic Indian household in this bracket. The clause-by-clause structure, statutory anchoring and drafting language are exactly what Law Tarazoo generates for a paying client.

Inside these pages:

1. How a Muslim Wasiyat is confined to one-third (1/3) of the net estate — and why the remaining two-thirds pass under Sunni faraidh, not the testator’s pen.
2. How a family with children from two marriages is provided for — without breaching the 1/3 limit.
3. Business-continuity drafting for a proprietorship: appointing the eldest adult son as manager pending faraidh distribution.
4. The narrower role of an executor (wasi) under Muslim Personal Law — and the practical compliance points at probate.
5. How the Section 213(2) exception carves Muslims out of mandatory probate — and what your family will still need to prove.

How to read this document. Pages 4 to 9 are the actual Will — typeset the way a final client Will is delivered, with a diagonal “SAMPLE” watermark on every page so it cannot be mistaken for an executable instrument. Superscript numbers point to endnotes on page 10 that spell out the underlying statute for each clause.

The Law Tarazoo difference

Why this Will is different

AI-guided, advocate-reviewed

Our questionnaire runs a structured, jurisdiction-aware AI intake — then every Will is reviewed by an expert advocate before delivery. You get software-speed and human judgment on the same document.

Five personal-law templates, not a generic form

Hindu / Buddhist / Sikh / Jain, Christian / Parsi, Muslim (Sunni), Muslim (Shia), and Joint Wills for couples. Each template applies the right succession law — from the Hindu Succession Act 1956 to Wasiyat 1/3 limits under Muslim Personal Law.

Section 63 ISA compliant, on the day it's executed

Every clause is drafted so the Will satisfies Section 63 of the Indian Succession Act 1925 — testator signature in the presence of two witnesses, non-beneficiary attestors, and a testimonium clause that stands up in probate.

Nominee-vs-beneficiary clarified (Talwar 2010, Shakti Yezdani 2023)

Bank and MF nominees are treated as trustees for the beneficial heirs named in your Will — so the release of assets from an institution never overrides your testamentary intent.

Priced right for India

Basic Online Will — **₹5,000** all-inclusive. NRI Will — **₹50,000** for multi-jurisdiction coordination. 30-minute expert consultation — **₹7,500**.

Turn the page. What follows is the actual Will — typeset the way you'd receive yours.

LAST WILL AND TESTAMENT

of MOHAMMED ALI KHAN

I, **Mohammed Ali Khan**, son of Late Shri Abdul Rahman Khan, aged about 51 years, professing the Muslim faith of the Sunni Hanafi school, a resident of India, residing at H. No. 8-2-293/82/A/145, Road No. 12, Banjara Hills, Hyderabad 500034, Telangana (PAN: ABCPK7890M), do hereby make, publish and declare this writing to be my Last Will and Testament (*Wasiyat*). [1]

I declare that I am over eighteen (18) years of age, of sound mind, understanding, and disposing memory, and that I make this Wasiyat of my own free will, without any coercion or undue influence from any person. The disposition of my estate hereby made shall be governed by Muslim Personal Law (Shariat) as applied to Sunni Hanafis under the Muslim Personal Law (Shariat) Application Act, 1937, read with Section 58 of the Indian Succession Act, 1925 (which exempts Muslims from most of the ISA's testamentary provisions). **I record my understanding that under Muslim Personal Law my testamentary power is limited to one-third (1/3) of my net estate after payment of debts and funeral expenses ('the Bequeathable Third'), and the remaining two-thirds shall devolve upon my legal heirs in accordance with the rules of faraidh.** [2]

1. REVOCATION OF EARLIER WILLS

I hereby revoke all Wills, codicils, and other testamentary dispositions heretofore made by me at any time. This is my Last Will and Testament and shall supersede all earlier writings of a testamentary nature. [3]

2. IDENTIFICATION OF FAMILY

My first wife, Late Smt. Farida Begum (daughter of Shri Yusuf Ahmed), predeceased me on 17 March 2018 at Hyderabad. I have subsequently entered into a second marriage.

I am married to **Smt. Fatima Zohra Khan** (daughter of Shri Iqbal Ansari). Our marriage (*nikah*) was solemnised on 22 November 2019 at Hyderabad, evidenced by Nikah-nama No. 45/2019 registered at the office of the Registrar of Muslim Marriages, Hyderabad.

I have the following children, all of whom are my legal heirs under Muslim Personal Law:

(1) My elder son from my first marriage, **Shri Faizan Ali Khan**, born on 4 February 1998, adult, presently working with me in the family business.

(2) My daughter from my first marriage, **Ms. Nazneen Khan**, born on 15 August 2000, adult, married to Shri Zubair Sheikh and residing at Riyadh, Kingdom of Saudi Arabia.

(3) My son from my current marriage, **Master Abdullah Khan**, born on 12 June 2016 (a minor at the date of this Will).

My mother, Smt. Nafisa Bibi, is a legal heir under Sunni faraidh. Her Quranic share (1/6) is not disturbed by any bequest under this Wasiyat. [4]

3. APPOINTMENT OF EXECUTOR

I appoint my elder son, **Shri Faizan Ali Khan**, to be the Executor (*wasi*) of this my Wasiyat.

In the event that my said son is unable or unwilling to act as Executor, or having so acted becomes unable or unwilling to continue, I appoint my brother **Shri Iqbal Ahmed Khan**, residing at 10-3-282/17, Vijaynagar Colony, Hyderabad 500057, Telangana, to be the alternate Executor.

The Executor shall serve without remuneration but shall be entitled to reimbursement of all reasonable expenses incurred in the administration of my estate.

The role of the Executor under Muslim Personal Law is to pay my funeral expenses and outstanding debts, to give effect to my bequests within the Bequeathable Third, and thereafter to distribute the remaining two-thirds of the net estate among my legal heirs in accordance with Sunni faraidh. The Executor shall exercise the powers hereinafter set out and all other powers conferred by law to give effect to this Wasiyat. [5]

4. SCHEDULE OF ASSETS

I set out below the principal assets that comprise my estate at the date of this Will. This schedule is illustrative — my Executor shall be entitled to deal with all assets, whether listed or not, in accordance with the disposition below. [13]

Schedule A — Immovable Property

A1. Personal residence: H. No. 8-2-293/82/A/145, Road No. 12, Banjara Hills, Hyderabad 500034, Telangana, admeasuring 380 sq. yards, held by me as sole owner, valued approximately ₹85 lakh.

A2. Commercial showroom: Shop No. 4, Ground Floor, Jubilee Trade Centre, General Bazaar, Secunderabad 500003, Telangana, admeasuring 1,200 sq. ft., held by me as sole owner, valued approximately ₹1.60 crore.

Schedule B — Business Interest and Financial Assets

B1. Proprietary business carried on under the name and style of **M/s Khan Auto Parts**, having its principal place of business at the showroom described in Schedule A2 above, GSTIN 36AACPK4567L1Z2, with a net worth of approximately ₹4.20 crore as per the latest audited balance sheet, including stock-in-trade, trade receivables, plant and equipment.

B2. Current account of M/s Khan Auto Parts with State Bank of India, General Bazaar branch (last 4: 6512), balance approximately ₹28 lakh.

B3. Personal savings and fixed deposits with HDFC Bank Ltd. and Karnataka Bank Ltd. aggregating approximately ₹42 lakh; nominees on record: Shri Faizan Ali Khan and Smt. Fatima Zohra Khan.

B4. Personal gold and jewellery, of aggregate market value approximately ₹35 lakh, held in Locker No. 118 at State Bank of India, General Bazaar branch.

Where any of the assets above carry a nomination, the nominee shall hold the proceeds received from the relevant institution as a trustee for the heirs entitled under Sunni faraidh and the beneficiaries of the Bequeathable Third named below, and shall transfer the same accordingly. [7]

5. SPECIFIC BEQUESTS

I make the following specific bequests, which shall take effect prior to the residuary disposition and shall abate proportionately in the event that my estate is insufficient to satisfy them in full:

The following bequests are made **within the Bequeathable Third**, that is, out of one-third of my net estate after payment of my funeral expenses and outstanding debts. If in the event the aggregate of the bequests below exceeds the Bequeathable Third at the time of my death, the bequests shall abate proportionately to the extent of such excess, unless my legal heirs consent in writing to the excess (as permitted under Sunni Hanafi law).

(1) I bequeath to my minor son **Master Abdullah Khan** a sum equivalent to one-half (1/2) of the Bequeathable Third, to be held by my Executor as trustee for his benefit until he attains the age of eighteen (18) years, and thereafter released to him outright. It is my express desire that this bequest be given effect notwithstanding that Abdullah, being my son, is otherwise a legal heir — this bequest requires the consent of my other legal heirs, and I record their in-principle acceptance already obtained. In the absence of such consent at the material time, this bequest shall abate and Master Abdullah shall receive only his faraidh share.

(2) I bequeath to my wife **Smt. Fatima Zohra Khan**, in addition to her faraidh share, a sum equivalent to one-fourth (1/4) of the Bequeathable Third, to be paid in cash from my personal savings (Schedule B3).

(3) I bequeath ₹5,00,000 (Rupees Five Lakh), out of the Bequeathable Third, to the Hyderabad Zakat & Charitable Trust (Regn. F/2011/HYD), for the benefit of the aged and infirm.

(4) I bequeath the balance of the Bequeathable Third, if any, to my elder son **Shri Faizan Ali Khan**, in recognition of his years of service to the family business, and subject to the same consent requirement as above.

6. RESIDUARY CLAUSE

After payment of my funeral expenses, all my just debts (including any outstanding trade credit and bank borrowings of M/s Khan Auto Parts), and after giving effect to the bequests set out in the preceding clause within the Bequeathable Third, the remaining two-thirds of my net estate shall be distributed among my legal heirs in accordance with the rules of *faraidh* as applied to Sunni Hanafis.

For the avoidance of doubt, the legal heirs entitled to shares of my estate under faraidh at the date of this Will are: (a) my mother Smt. Nafisa Bibi (Quranic share 1/6); (b) my wife Smt. Fatima Zohra Khan (Quranic share 1/8); and (c) the residue among my two sons and one daughter as agnatic (*'asaba*) heirs, in the ratio 2:2:1 respectively (each son taking twice the share of a daughter).

If any of the above heirs shall predecease me, the shares of the surviving heirs shall be recomputed in accordance with faraidh as at the date of my death, and any per-stirpes representation shall be as recognised under Sunni Hanafi law (which does not, in general, admit representation by grandchildren whose parent predeceases the propositus). [8]

7. POWERS OF THE EXECUTOR

My Executor shall have, in addition to all powers conferred by law, the following powers, to be exercised in accordance with the fiduciary duties imposed by law: [9]

(a) To take possession of all assets of my estate, value them, and prepare an inventory.

(b) To pay all debts, funeral expenses, taxes and other liabilities of my estate.

(c) To sell, transfer, convey, lease, mortgage or otherwise deal with any asset of my estate, on such terms as the Executor shall consider proper.

(d) To apply for probate, letters of administration, succession certificates and any other court orders necessary or expedient for the administration of my estate.

(e) To engage advocates, chartered accountants and other professional advisors at the cost of my estate.

(f) To distribute the assets to the beneficiaries in accordance with the terms of this Will.

8. SPECIAL INSTRUCTIONS

Business continuity. I direct that **M/s Khan Auto Parts** shall not be wound up, sold or otherwise disposed of during the six (6) months immediately following my death. During that period, my elder son **Shri Faizan Ali Khan** shall continue to manage the business as manager on behalf of my estate, in accordance with the prudent commercial practices theretofore followed, and shall pay over the profits of the business (net of ordinary operating expenses) to my Executor for administration under this Wasiyat. At the end of the six-month period, my Executor and my legal heirs shall jointly decide whether the business is to be continued (with heirs holding proportionate interests as co-owners in accordance with faraidh), reconstituted as a partnership or private company, or sold as a going concern; the proceeds in the latter event to be distributed as part of the estate.

Funeral. It is my wish that my remains be interred in accordance with the traditions of the Sunni Hanafi school, at the Daira Mir Momin cemetery, Hyderabad, without extravagance and within the shortest time reasonably practicable after my death.

9. TESTIMONIUM AND EXECUTION

IN WITNESS WHEREOF, I, **Mohammed Ali Khan**, the Testator above-named, do hereby set my hand to this my Last Will and Testament on this the ___ day of _________, 20__, at **Hyderabad, Telangana**, in the presence of the two witnesses subscribing below, both of whom were present at the same time and who, at my request and in my presence and in the presence of each other, have subscribed their names hereto as witnesses, in compliance with the requirements of Section 63 of the Indian Succession Act, 1925. [10]

____

Signature of the Testator — Mohammed Ali Khan

Date: ________________

Place: Hyderabad, Telangana

Signed by the Testator in our joint presence, and signed by us in the presence of the Testator and of each other: [11]

Witness 1

______________________________ Signature

Name: ____

Address: ____

Occupation: _____________________ Date: _____________

Witness 2

______________________________ Signature

Name: ____

Address: ____

Occupation: _____________________ Date: _____________

Neither of the attesting witnesses is a beneficiary under this Will, nor a spouse of any beneficiary, in compliance with Section 67 of the Indian Succession Act, 1925. [12]

Endnotes — Legal Citations

The superscript numbers throughout the Will point to the corresponding authority listed below. Every clause in a Law Tarazoo Will can be traced back to statute, case-law or long-established drafting practice.

[1] Wasiyat. The Will of a Muslim is termed *Wasiyat*. Under the Muslim Personal Law (Shariat) Application Act, 1937, questions of succession, wills, and legacies among Muslims are decided by Muslim Personal Law. The naming of the school (here, Sunni Hanafi) governs the distributive rules that apply.

[2] The one-third (1/3) rule. Under Sunni law, a Muslim may bequeath only up to one-third of the net estate (i.e., after payment of debts and funeral expenses). See *Abdul Hameed v. Mahomed Yoonus*, ILR 1940 Mad 154; and the leading text *Mulla's Principles of Mahomedan Law*, Chapter XVII (Bequests). Any excess requires the consent of the heirs given after the testator's death.

[3] Revocation of earlier Wills. A Wasiyat is revocable at any time before the testator's death, whether expressly or by inconsistent later disposition. This boilerplate clause avoids partial-revocation disputes.

[4] Legal heirs under faraidh. The Quranic sharers of a deceased Sunni Muslim male leaving a widow, mother, sons and a daughter are: mother (1/6); widow (1/8); residue among the sons and daughter as *'asaba* with sons taking twice a daughter's share (Quran 4:11 & 4:12; and Mulla, Chapter VI).

[5] The wasi. A Muslim Executor's role is confined to paying debts, giving effect to bequests within the 1/3, and distributing the residue by faraidh. The wasi does not have the wider trustee-like discretion of a common-law executor.

[6] Bequest to an heir (consent requirement). Under Sunni law, a bequest to a legal heir is not valid unless consented to by the other heirs after the testator's death (see Mulla, Sec. 118). The Wasiyat above records that in-principle consent has been obtained and provides an abatement fallback in case consent is refused at the material time.

[7] Nominee-vs-heir. The nominee holds proceeds as trustee for the heirs entitled under the applicable personal law: *Sarbati Devi v. Usha Devi*, (1984) 1 SCC 424, and reaffirmed for company-law nominations in *Shakti Yezdani v. Jayanand Jayant Salgaonkar*, (2023) 7 SCC 1.

[8] Faraidh residue & representation. Under Sunni Hanafi law, children of a predeceased child are generally excluded by living children of the propositus (the 'doctrine of nearer excluding remoter'), subject to the mitigating rules on obligatory bequests introduced in some jurisdictions but not adopted in Indian Muslim law.

[9] Executor powers. Sections 305–332 ISA apply to Muslim executors to the extent not inconsistent with Muslim Personal Law (see Section 58 ISA carve-out).

[10] Signature of the Wasiyat. A Wasiyat may be oral under Muslim law, but a signed and attested written Wasiyat is strongly preferred as evidentiary proof. Section 63 ISA does not directly apply to a Muslim Wasiyat by virtue of Section 58 ISA; signature by the testator remains best practice.

[11] Attestation. Two adult male witnesses (or one male and two female witnesses, under classical Sunni law) attesting to the Wasiyat is the traditional evidentiary standard. Modern Indian practice adopts Section 63(c) ISA-style attestation as best practice.

[12] Probate and the Section 213(2) ISA carve-out. Section 213(2) ISA read with Schedule III exempts Wills made by Muhammadans from the mandatory probate requirement. Heirs may nonetheless voluntarily apply for probate or a succession certificate to facilitate transmission of assets.

[13] Schedule of assets. While not statutorily required, a schedule of the principal assets accompanying a Wasiyat is invaluable at the stage of applying to banks, the sub-registrar and the GST department for transmission and re-registration.

Ready to make yours?

Your Will, delivered in days

Every Law Tarazoo Will is drafted through a guided questionnaire and reviewed by an expert advocate before delivery — so it's software-fast and legally sound. Pick the option that fits your situation.

MOST POPULAR	FOR NRIs	30-MIN CALL
Basic Online Will	NRI Will	Expert Consultation
₹ 5,000	₹ 50,000	₹ 7,500
AI questionnaire · expert-advocate review · DOCX + PDF delivery	India-only Will drafted under FEMA guidance · coordinates with your overseas Will	One-on-one call with an expert advocate · no drafting included

AS FEATURED IN The Economic Times · India Today · Business Standard · Outlook Money · The Hindu Businessline

Scan to start your Will
lawtarazoo.com/checkout.html

Talk to us

Email hello@lawtarazoo.com
WhatsApp +91 XXXXX XXXXX
Office Kandivali East, Mumbai 400 101

Turnaround: **3–5 working days** for the Basic Online Will after your questionnaire is submitted.

Start now → **www.lawtarazoo.com/checkout.html**

This document is a sample for illustrative purposes only. It is not executed, witnessed, or valid as a Will. To make a legally valid Will, visit lawtarazoo.com.