

CHAPTER 7
PRESERVATION OF WILLS
PART A.-RULES

Punjab Government Notification No. 2649-Judicial, dated the 21st January, 1929, as amended by No. 15397-Judicial, dated the 23rd April, 1929, and No. 4649-J-41/43006, dated the 31st July, 1941, prescribes the following regulations for the preservation and inspection of Wills, under Section 294 of the Indian Succession Act, 1925.

1. Every District Judge shall file and preserve all original Wills of which probate or letters of administration with the Will annexed may be granted by him.

Preservation and custody by District Judge granting Probate or letter.

2. For the preservation of such Wills each District will be supplied with a fire-proof box, which shall be kept for safe custody in the Government Treasury, or, where the Treasury is situated at a distance from the Court, at such other place as the District Judge considers to be adequately protected in all respect.

Fire-proof box to be provided.

3. When probate or letters of administration have been granted by the District Judge as aforesaid, the Will shall be detached from the file of proceedings relating to the grant of such probate or letters of administration, and after being endorsed with the name of the Testator, the date of the Will, the date of granting probate or letters of administration, the names and description of the persons to whom probate or letters of administration have been granted, the number of the file relating to the Will in the General District Register, and the number of the Will in the Register of Deposited Wills, shall be deposited in the fire-proof box.

Action to be taken before depositing the Will in the box.

4. The District Judge shall keep in English a Register of Deposited Wills, which shall be in the following form, and shall contain the particulars endorsed on the deposited Wills. An alphabetical index shall be prepared at the end of each year to the entires made in the Register:-

Register of deposited Wills, Index.

Serial No	Number of file in District General Register	Date of execution of Will	Date of granting probate or letters of administration	Persons to whom probate or letters of administration have been granted	Name of the testor	REMARKS

Procedure for
obtaining
inspection of the
register.

5. Any person desirous of inspecting the Register of Deposited Wills shall be permitted to do so on his presenting an application to that effect to the District Judge. Such application shall be written on a stamp paper of the value of one rupee, and shall set forth the name, residence and occupation of the applicant with his reason for desiring to inspect the Register.

Procedure for
obtaining
inspection of the
Will

6. Any person desirous of inspecting a deposited Will shall be permitted to do so on his presenting an application to that effect to the District Judge, accompanied with a fee of one rupee. The application shall be written on a stamp paper of the value of one rupee, and shall set forth the particulars specified in the preceding rule.

Hour and
manner of
inspection.

7. The inspection of the Register of Deposited Wills or of a deposited Will, may be made between the hours of 11 A.M. and 3 P.M. on every day except authorised holidays, and shall take place in the presence of the District Judge or of an officer exercising the powers of the Subordinate Judge, deputed by the District Judge for the purpose. The applicant shall not be permitted, while making the inspection, to have pen and ink in his possession, but he may be allowed the use of pencil and paper for the purpose of taking notes.

Procedure for
obtaining copy
of the Will.

8. Any person desirous of obtaining a copy of a deposited Will shall present an application to that effect to the District Judge, accompanied with a fee of five rupees. Such application shall be written on a stamp paper of the value of eight annas, and shall contain the name, residence and occupation of the applicant, with the interest, if any, which he has in the Will, or his reason for applying for a copy. The copy shall be made at the expense of the applicant, and shall be certified under the seal and signature of the District Judge.

Application for
inspection of
copies to be
placed on record
and noted in the
register of Wills.

9. Applications for inspections or copies shall be filed with the proceedings connected with the grant of probate or letters of administration of the Will to which they relate; and in the Register of Deposited Wills, an entry shall be made in the column headed "Remarks"-

"Inspected By

19_____,” or “copy given to,” as the case may be.

10. All fees other than copying fees realised in cash under these regulations should forthwith be credited into the Treasury under the head XXI-Administration of Justice. The expenditure required by the District Judge for the preservation and inspection of the Wills under his custody, may be drawn in the same manner as ordinary contingent expenditure.

Fees realised how to be credited. Expenses how to be met.

11. The foregoing rules shall apply *mutatis mutandis* to Wills of which probate or letters of administration with the Will annexed may be granted by the High Court.

Foregoing rules also apply to High Court granting probate or letters.