

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. Preservation and custody by District Judge granting Probate or letter—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.

2. Fire-proof box to be provided—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.

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

4. Register of deposited Wills, Index—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 entries made in the Register:

Serial No. of Will	Number of file in District General Register	Date of Execution of Will	Date of granting probate or letters of administration	Person to whom probate or letters of administration have been granted	Name of the testator	Remarks
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1	2	3	4	5	6	7

5. Procedure for obtaining inspection of the register—Any person desirous of inspecting the Register of Deposited Will 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.

6. Procedure for obtaining inspection of the Will—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.

7. Hour and manner of inspection—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 authorized holidays, and shall take place in the presence of the District Judge or of an officer exercising the powers of a 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.

8. Procedure for obtaining copy of the Will—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.

9. Application for inspection of copies to be placed on record and noted in the register of Wills—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 “Remark”—

“Inspected by

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

10. Fees realized how to be credited. Expenses how to be met—All fees other than copying fees realised in cash under these regulation 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.

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

Part B
KEYS OF WILL SAFES

1. Inconvenience and expenses resulting from loss of keys—Several instances have occurred in which the keys of the iron safes, provided for the custody of Wills in districts, under the rules contained in Punjab Government Notification No. 2649-Judicial, dated the 21st January, 1929, have been lost or mislaid; and in each instance it has been found impossible to fix the responsibility for the loss on any particular officer, as the charge of the keys has not been formally transferred when the changes of District Judges have taken place. Much inconvenience has resulted, and the Government has been put to considerable expense.

2. District Judge on transfer should make over the keys and Treasurer's receipt for duplicate to his successor—Each safe is provided with duplicate keys one of which should be retained in the custody of the District Judge, the other being placed in a securely sealed cover and deposited in the District Treasury Strong Room, the Treasurer's receipt for it being filed in the District Judge's Office. When a District Judge is transferred he should make over the key of the safe and the Treasurer's receipt for the duplicate to his successor, and record that he has done so on the transfer of charge papers sent to the High Court.

3. Duty of the District Judge to take over charge of the keys—The District Judge for the time being will be held strictly responsible for the key of the safe, and any officer taking over charge of the office of District Judge without taking over the keys, or reporting that they have not been made over, will be brought to account if at any time the keys are not forthcoming and may have to bear the cost incurred by Government in having the safe broken open and in providing a new one.

4. Loss of keys should be reported to High Court—If a key is lost the fact should at once be reported to the High Court with a full explanation of the circumstances.
