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## **The Indian Penal Code 1860**

**Section 31 - "A WILL" The words "a will" denote any testamentary document. COMMENTS Will: Wish; desire; pleasure; inclination;**

64) of the General Clauses Act, Will shall include codicil and every writing making a voluntary posthumous disposition of property. The essential characteristics of a Will is that it is a mere declaration of an intention so long as the testator is alive, a declaration that may be revoked or varied according to the variation in his intention; a disposition that requires the testator's death for its consummation and is but ambulatory without fixed effect until the happening of that event. A first on the other hand, is a transfer of property that is voluntary, gratuitous and absolute conferring immediate right.--Nodachy v. Ramalakshman 1955 Ker LT 891. Where a document which is not altogether free from ambiguity, lays down rules for devolution of the testator's properties after his death with no present disposition in favour of anybody and carries with it the necessary implication; the element of revocability, it is a Will within the meaning of the section.--Promode Kumar v. Sephalika AIR 1957 Cal. 631 Under s. 2(h) of the Indian Succession Act, 1925, 'Will' means a legal declaration of the intention of a testator with respect to his property, which he desires to be carried into effect after his death.