

Affidavit of Legal Heir for Substitution

Affidavit of Shrison/daughter/wife
of r/o
.....

The deponent solemnly affirm as under:-

1. Thatwas my father/mother/husband/wife/grandfather/grandmother/father-in-law/mother-in-law and he/she died on
2. That the deceased was the lessee of property no.
3. That the lease in respect of the said property was registered as no.....Additional Book no.....Vol.no.....on page no.....to.....dated
4. That the deceased has left behind the following heirs (widow/widower/mother/son/daughter/widow of pre-deceased son/children of predeceased daughter/ children of predeceased son etc.) including myself under Hindu Succession Act and their names along with their relationship with the deceased, their ages and their addresses are given below:-

S. No.	Name	Age (in yrs.)	Relationship with deceased	Address
1.				
2.				
3.				
4.				

5. That the deceased did not leave behind any heirs except those whose names are given above.

6. That the deceased left behind 'Will' dated bequeathing the above-said property in favour of which is registered/un-registered. The 'Will' is genuine and I have no objection if the same is acted upon.

or

That the deceased has left behind no 'Will'.

DEPONENT

VERIFICATION

I,, the above named deponent do hereby verify that the contents of para 1 to 6 of the above affidavit are true and correct to my knowledge and that no portion is false. The said affidavit conceals nothing which is relevant to the above matter.

Signed, dated and verified atthis the.....day of

DEPONENT

1. Attested copy of the Death Certificate(s) should be enclosed.
2. Give also the name of the heirs of the predeceased son/sons and predeceased daughter/daughters of deceased under clause 4 above along with the mother, widow, daughter or sons.

3. In case the deceased lessee has left behind a registered 'Will', a certified copy of that 'Will' should be sent along with the affidavit.
4. In case the deceased lessee has left behind an unregistered 'Will', a copy of that 'Will' duly attested by a Gazetted Officer/Notary Public should be sent along with the affidavit.
5. If the 'Will' is probated, the 'No Objection Affidavits' from the legal heirs is not required. However, in such cases a certified copy of the probate order along with a copy of the 'Will' should be furnished by the applicant.
6. If any one of the heirs wants to relinquish his/her rights, he/she should execute and get a registered Relinquishment Deed in favour of the heirs in whose favour he/she/they want to give up their rights. Original or certified copy of Relinquishment Deed/Release Deed from the Sub-Registrar's Office should be submitted with the application. An affidavit is required to be submitted by the 'Releasee' only and not by the 'Releasor'. Minors, however, cannot give up their rights.
7. In case, the deceased has left no 'Will' and the heirs have not executed Relinquishment Deed then all heirs should give their Affidavits.
8. If it is not possible to obtain/furnish the 'No Objection Affidavits' of all legal heirs, the beneficiary/beneficiaries should obtain a probate of the 'Will' from a competent court of law.
9. All affidavits should be got attested by a 1st Class Magistrate/Sub-Judge and given on non-judicial stamp paper of Rs.10/- and the copies of Death Certificate, 'Will', Power of Attorney etc. may be got attested by any one of the following:-
 - i) Gazetted Officer
 - ii) Member of Parliament
 - iii) Oath Commissioner
 - iv) Member of Metropolitan Council
 - v) Notary Public (with notarial stamp of Rs.5/-)