

The registration of the Will after the death of the testator is permissible under Sections 23 and 27 of the Registration Act, and does not diminish its probative value

The Karnataka High Court in the case of **M D Devamma vs K V Kalavathi [Miscellaneous First Appeal No. 3988 of 2025 (CPC)] dated July 07, 2025**, has held that posthumous registration of the Will is not indicative of fraud, as the Registration Act permits such registration and does not prescribe any outer limit for registering it. Since in the present case, the Will bears the signature of the testator and is a registered document, and the fact of a posthumous registration is legally valid, and does not, in itself, render the Will suspicious, the High Court declared that the findings of the Trial Court that the Will is “dubious” for having been registered after the death, demonstrate a flawed understanding of statutory provisions and run counter to the established principles of testamentary law.

The High Court observed that the Trial Court has mainly relied upon the provisions of Section 23 of the Registration Act, which provides that documents other than Wills must be presented for registration within four months from the date of execution. Since the Trial Court has interpreted Section 23 of the Registration Act without reference to the exceptions carried out in the statute and treated the Will as a ‘suspicious’ and ‘concocted’ document solely because it was registered six months after the death of the testator, the High Court held that such line of reasoning not only reflects a misunderstanding of statutory provisions but also overlooks long settled principles of testamentary law.

The High Court observed that the veracity of the Will, especially a registered one, must be tested through evidence and cross-examination during trial, and cannot be prejudged solely on the ground of the date of registration. The registration of the Will after the death of the testator is permissible under Sections 23 and 27 of the Act, and in no way diminishes its probative value or authenticity unless otherwise disproved in a trial by cogent evidence.