



INDIALAW

Succession, Wills & Inheritance

Succession, Wills, and Inheritance Law Firm in India for NRI Probate Matters

PRACTICE PROFILE • MAY 2026

Overview

We provide legal support in:

- Probate proceedings and succession certificate applications
- Drafting and execution of wills for assets located in India
- Legal heirship and intestate succession procedures
- Resolving inheritance disputes involving NRIs

Frequently Asked Questions

Q1 What does succession and inheritance law cover in India?

It covers the legal framework for transferring a deceased person's assets to rightful heirs. This includes obtaining probate of wills, applying for succession certificates, establishing legal heirship, and resolving disputes among claimants under applicable personal laws or the Indian Succession Act, 1925.

Q2 When should someone seek legal advice on wills and succession planning?

Ideally, during one's lifetime, well before any health concern arises. For heirs, legal help becomes urgent upon a death, especially when assets are held across states, include immovable property, or involve NRI beneficiaries who face additional FEMA compliance requirements for repatriation.

Q3 Which Indian statutes govern wills, probate, and intestate succession?

The Indian Succession Act, 1925 governs wills and intestate succession for most communities. Hindu succession follows the Hindu Succession Act, 1956. Muslim inheritance is guided by personal law. Probate jurisdiction lies with the relevant High Court or District Court under the Code of Civil Procedure.

Q4 How long does it typically take to obtain probate or a succession certificate?

Timelines vary by court and city. A straightforward, uncontested probate petition may take six to twelve months. Succession certificate applications can take a similar period. Contested matters or incomplete documentation add significant delay and cost, often extending proceedings by years.

Q5 What documents are needed to start a probate or succession certificate application?

You will typically need the original will (if any), death certificate, proof of the applicant's relationship to the deceased, identity and address proof, a schedule of assets, property documents, and bank or demat account statements. NRI applicants also need a valid passport and power of attorney.

Q6 What common mistakes do families make when handling inheritance matters?

A frequent pitfall is assuming that a registered will does not require probate. In cities like Mumbai, Chennai, and Kolkata, probate is mandatory. Others delay filing, allowing limitation periods to lapse, or execute informal family settlements that lack legal enforceability in later disputes.