

Amid Sunjay Kapur's inheritance battle, here's what mistakes to avoid, and how to craft an error-free will

 [livemint.com/money/personal-finance/amid-sunjay-kapur-s-inheritance-battle-here-s-what-mistakes-to-avoid-and-how-to-craft-an-error-free-will-11760517377079.html](https://www.livemint.com/money/personal-finance/amid-sunjay-kapur-s-inheritance-battle-here-s-what-mistakes-to-avoid-and-how-to-craft-an-error-free-will-11760517377079.html)

Jocelyn Fernandes

October 15, 2025

The inheritance dispute over Sunjay Kapur's ₹30,000 crore estate involves allegations of forgery and a fake will. Amid this, we take a look at what mistakes you must avoid while crafting your will and steps to ensure the validity of your document.

[Jocelyn Fernandes](#)

Published 15 Oct 2025, 03:49 PM IST



We take a look at what mistakes you must avoid while undertaking crafting your will, and steps to ensure validity of your document. **(Representative Image)**

The inheritance battle over [Sunjay Kapur's](#) ₹30,000 crore empire has played out as a courtroom drama, complete with allegations of forgery, accusations of a fake will, arguments over the metadata information and blasting of 'glaring errors' in the document.

Addressing the Delhi High Court on 14 October, senior counsel Mahesh Jethmalani alleged that Kapur's will was a forgery as it wrongly referred to the testator – the person who made the will – [as female](#) as many as four times. Jethmalani is representing Samaira Kapoor and Kiaan Raj Kapoor, children of Bollywood actress Karisma Kapoor, and the former wife of the late Sona Comstar chief.

He also claimed that the will contained "bloopers" that were "very uncharacteristic" of Sunjay Kapur and also cited [digital evidence](#) for his allegations, claiming that the will originated from the device of one Nitin Sharma, who had no official association with

Sunjay Kapur.

Amid all this, we take a look at what mistakes you must avoid while undertaking estate planning. Here are things to keep in mind while crafting your will, how to ensure an error-free document, the importance of metadata in digital wills, and steps to ensure the validity of your will.

Why is it important to have an error-free will?

According to Harpreet Oberoi, Advocate, Founding Partner of Jotwani Associates, a will is one of the most sensitive and legally significant documents an individual executes, and even small errors can create prolonged disputes.

“A will can be [challenged](#) or even dismissed if errors or irregularities cast doubt on its authenticity or clarity,” she said, adding that when the language is ambiguous or the execution is defective, “it creates grounds for legal challenge”.

Some of the more common grounds for contesting a will are forgery or fraud. “If any party can establish that the signature was forged, or the document was tampered with, the court may declare the will invalid,” she said. Oberoi added that while the burden of proof rests on the party contesting the will, “any ambiguity or procedural lapse significantly weakens the document’s defensibility”.

Aishwarya Bedekar, Associate Partner at Solomon & Co. agreed that while a will “can be contested based on textual errors and there are instances where a bequest in the Will can be declared as void if it does not stand the test of relevant laws, but a Will cannot be simply dismissed based on errors in text.”

Bedekar observed that a court will look into the intention of the testator and if this is clear from reading the entire Will, then minor textual errors may not simply dismiss a Will.

Further, Tanmay Patnaik, Partner Private Client, Trilegal concurred that courts focus on the underlying testamentary intent and will interpret the document in the most logical and harmonious way possible, rather than penalising technical errors in drafting or language. “However, serious defects such as improper attestation, lack of capacity, or circumstances that cast doubt on the authenticity or voluntariness of the Will can lead to it being challenged or set aside,” he noted.

What are common mistakes to avoid while crafting your will?

Oberoi outlines the commonly overlooked issues—witness selection, clarity on superseding earlier wills, and optional registration—that testators can use to significantly strengthen their [wills](#) and reduce the risk of future legal challenges.

Language of chief importance

Oberoi noted that one of the most common mistakes is the use of ambiguous or [vague language](#), which can make the testator's intent unclear. "Beneficiaries should be named with precision rather than using generic terms like 'my children' or 'my family', which may create confusion and competing claims," she said.

Update periodically

Another frequent oversight, as per her, is not updating the will periodically. "Life events such as marriage, divorce, birth of children, or acquisition of new assets should ideally trigger a [review of the will](#). Outdated wills often leave out critical beneficiaries or assets, leading to avoidable disputes among legal heirs," she noted.

Witnesses are integral; choose wisely

She also emphasised the choice and role of the witnesses, as required (two) under the Indian Succession Act, 1925, terming it as a "particularly crucial procedural aspect".

"A will must be attested by at least two [witnesses](#). While it is not mandatory to register a will, selecting credible and reliable witnesses is extremely important. At least one witness may need to testify after the testator's passing to prove the will's validity in court. Witnesses should ideally be individuals who have no direct interest in the estate to avoid conflicts of interest," she added.

Clearly identify your 'last' will

This issue crops up when one has created wills at different points in life. Oberoi noted that people often neglect giving clarity when multiple wills exist. "If someone has made more than one will during their lifetime, the last will should explicitly state that 'all previous wills and codicils made by me from time to time are hereby revoked and superseded by this will'. This clear statement helps avoid confusion or legal wrangling over which will is the operative document," she advised.

Not mandatory, but register your will

Acknowledging that it is not [legally](#) mandatory to register your will, Oberoi still suggests taking the extra step because "a registered will carries a stronger presumption of authenticity and is less susceptible to being contested".

Include a residuary clause

One aspect often forgotten is specifying who gets the assets not individually identified in a will. For this, Oberoi suggests including residuary clauses that cover assets acquired after the will is made so that parts of the estate are not left without clear instructions.

Comply with legal requirements

Oberoi added that one must comply with all legal formalities. “Improper attestation, lack of witness signatures, or missing pages can severely compromise the will’s validity. To ensure legal certainty, it is best to draft the will with professional legal assistance, use clear language, ensure proper execution, and keep records of the signing process,” she advised.

How to ensure you avoid these mistakes in your will?

- To avoid common mistakes in a Will, the most important step is thorough preparation before you even start drafting.
- Begin by making a complete inventory of all your assets properties, bank accounts, investments, digital assets, insurance policies, and overseas holdings and clearly record how each is owned (sole or joint), whether it is self-acquired or ancestral, and whether it can legally be bequeathed under a Will.
- For foreign assets, prepare separate jurisdiction-specific Will with non-revocation clauses to avoid conflicts.
- The most effective way to avoid errors is through professional legal drafting and periodic review. Engaging an experienced estate planning [lawyer](#) ensures that the document meets all legal formalities, uses unambiguous language, and addresses contingencies.
- Further, the will should clearly identify beneficiaries and executors, specify shares or percentages, and include fallback provisions in case a beneficiary predeceases the testator.
- It is equally important to plan for contingencies and identify second and third level beneficiaries in case a primary legatee predeceases the testator / testatrix.
- Similarly, appoint alternate or even multiple executors so that administration of the estate is not delayed if the primary executor is unable or unwilling to act.
- Witnessing must comply with the legal requirements: at least two witnesses (not beneficiaries), signing in the presence of the testator, and ideally maintaining a record of the signing. Regular updates and codicils, if needed, help keep the document current and enforceable.

For those leaving digital wills: How important is the metadata?

According to Oberoi, metadata plays a crucial role in establishing authenticity as Courts are increasingly examining it to verify whether the testator actually authored or approved the [digital document](#), and whether it was tampered with later.

“Metadata—such as timestamps, IP addresses, document version history, and digital signatures—can serve as forensic evidence in case the will’s validity is challenged,” she noted.

However, Patnaik opines that since digital wills are not legally recognised in India, failure to execute such documents in accordance with the relevant parent legislation may render them inadmissible as evidence.

He notes, "Under the Information Technology Act, 2000, wills and other testamentary documents are expressly excluded from the scope of electronic execution or e-signing."

Further, failing to have two witness due to the digital process could also render them inadmissible as evidence, he felt. "Accordingly, metadata (e.g. timestamps or digital records) has no legal relevance to a Will's validity in India. A Will must still be executed in writing and witnessed in person to be valid," as per Patnaik.

Step-by-step guide: How to ensure the validity of your will after one has passed?

Ultimately, a will's strength lies not only in its drafting but also in its documentation trail, execution formalities, and legal foresight. Proper legal counsel and structured planning can prevent [family disputes](#), prolonged probate litigation, and uncertainty over the distribution of assets. To ensure a will stands uncontested and enforceable after death, it is advisable to:

- Register the will under the Indian Registration Act, which, while not mandatory, adds a strong presumption of authenticity, feels Oberoi.
- Store the original will in a secure location—such as a bank locker, law firm safe, or digital vault—with trusted persons informed of its location.
- Keep clear records of witnesses and execution.
- Consider appointing a professional executor or trusted legal representative to minimise posthumous disputes.
- While a Will must still be executed in writing and witnessed in person to be valid, use of time-stamping for digital documents can help establish a timeline.
- Avoid contradictory documents such as multiple wills or codicils without clear revocation clauses.
- Bedekar felt that the testator should sign on each page of their Will in addition to full signature on the last page of the Will — in the presence of the two witnesses.
- A day or two prior to executing the Will, it is advisable that the testator is examined by a medical practitioner, and a medical certificate can be issued. This may enable in minimising any subsequent allegations of the testator being of unsound mind, she added.

- Accordingly, while no process can make a Will “challenge-proof”, Patnaik feels that thoughtful documentation, secure custody, and credible evidence of intent and capacity can go a long way in ensuring that the testator's wishes are honoured.

Disclaimer: *This story is for educational purposes only. The views and recommendations made above are those of individual experts, and not of Mint. We advise investors to check with certified experts before making any decisions.*