

Probate Relief for Property Owners in Mumbai, Kolkata and Chennai



While GST was introduced on 1st July 2017 replacing multiple central and state indirect taxes to restructure the indirect tax framework, the Repealing and Amending Act, 2025 restructures the legal framework itself by pruning dead laws and fine-tuning live ones ensuring a cleaner, more accessible body of legislation is available. The Repealing and Amending Act, 2025 therefore streamlines and cleans up the body of existing laws by removing obsolete, redundant or spent enactments and correcting minor drafting inconsistencies, thereby improving legislative clarity, coherence and ease of interpretation without altering substantive rights or creating a new regulatory or tax framework. The same shall come into effect from the date notified after presidential assent.

Amendment to Section 213 of the Indian Succession Act, 1925 (by the Repealing and Amending Act, 2025)

Existing Law:

Section 213 of the Indian Succession Act, 1925, provided that, if you owned a property in the historic cities of Mumbai, Kolkata or Chennai, your legal heirs would be required to get a Probate (a certificate proving the Will is valid) from the High Court, in addition to having a Will. This process of obtaining a Probate was not only expensive and time consuming, but also stressful for many.

Whom Does this Law Apply?

The aforesaid law primarily applied to Hindus, Buddhist, Jains and Sikhs owning immovable properties within the Territories of the Former Presidency town of Mumbai, Chennai or Kolkata.

Whom Does this Law Does not Apply?

The aforesaid law does not apply to Muslims, Wills of Hindus, Buddhist, Jains and Sikhs executed outside Presidency towns and not relating to immovable properties within these towns and cases of intestate successions (i.e. no wills).

What Does the Amendment Change?

The government has abolished this mandatory requirement of obtaining a Probate. Therefore, you no longer need to approach a High Court to "prove" a Will simply because your property is located in these three cities.

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How does it matter you?

The aforesaid impact shall have the following positive impact:

1. Faster Inheritance: Assets can be transferred to legal heirs immediately.
2. Better Liquidity: Legal Heirs can sell, mortgage or manage the property without waiting for years.
3. Savings in Court Fees: Families can now save significant money that was previously spent on mandatory court procedures

Advise & Take Away:

While the process is now simpler, the responsibility is now entirely on you. Since the court will no longer automatically check every Will, your documentation must be flawless. Your Wills must now be clear and foolproof to withstand any challenges in case of disputes. Further, though it would not be mandatory, you may still choose to get a Voluntary Probate voluntarily in cases of anticipated family disputes or where requests is made towards conclusive proof of legitimate and free title to property.

[Click here to read the Official Text of the Act](#)

KNOWLEDGE DESK

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