

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO. _____ OF 20__

Petition for Succession Certificate in
respect of the debts and securities /
debts / securities belonging to

*[Insert name in full, nationality,
domicile, religion(in case of Muslim,
state Sect Shia or Sunni), marital
status, occupation and, place of
residence at the time of death. If the
deceased was a bachelor or spinster,
that should be stated]*

....Deceased.

_____)

_____)

_____,)

(insert full name, age, nationality, domicile,)

Occupation and full address))

being the _____)

(mention exact capacity / relation to the)

Deceased) of the abovenamed Deceased.)

.... PETITIONER

(if Petition is filed through Constituted Attorney, full name, age, nationality, domicile, occupation and full address of said Constituted Attorney should be mentioned after the name of original Petitioner and a true copy of Power of Attorney should be annexed and marked as Exhibit. See Rule 394)

THE PETITION OF THE PETITIONER ABOVENAMED:

TO,

THE HONOURABLE THE CHIEF JUSTICE AND JUDGES OF THE HIGH COURT

SHEWETH:

(1) That the abovenamed _____ *(insert full name of the Deceased)* died at _____ *(insert place of death of the Deceased)* on or about the _____ day of _____, 19___ / 20___ *(insert date of death of the Deceased)*. A true copy of Death Certificate of the Deceased is annexed hereto and marked as Exhibit “_____” and a true copy of identity proof of the Deceased is annexed hereto and marked as Exhibit “_____”. *(if no identity proof is available, say so and mention reason and annexe a true copy of documentary proof in support thereof)*

(2) That the said deceased at the time of his death had a fixed place of abode at _____ and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India. *(details may be corrected as per the facts of the case)*

(3) That the said Deceased died intestate and that due and diligent search has been made for a Will, but none has been found.

(4) That the said Deceased left him surviving as his only heirs and next-of-kin according to Indian Succession Act, 1925 OR Hindu Succession Act, 1956 OR Mohammedan Law, applicable to Shia OR Sunni Muslims _____ (**state what Law / name of the Act / name of the personal law applicable to the Deceased**), the following persons, who are residing at the addresses set out against their respective names :-

Sr. No.	Name and Address	Age	Relationship with the Deceased

(5) That the Petitioner as _____ (**state relationship to the Deceased**) of the Deceased claims to be entitled to a _____ (**mention exact share of the Petitioner**) share of the estate.

(6) That there is no impediment under Section 370 of the Indian Succession Act, 1925, or under any other provisions of this Act or any other enactment to the grant of the certificate or the validity thereof if it were granted.

(7) The Petitioner has truly set forth in Schedule hereto annexed and marked as Exhibit "_____", the debts and securities in respect of which the certificate is applied for. The Succession Certificate is required for the purpose of

_____ (mention the purpose for which the certificate is required). The said assets in respect of which the Succession Certificate is required are of the value of Rs. _____ (insert net total amount of Schedule of Petition).

(8) That no application has been made to any District Court or District Delegate or to any High Court for Probate of any Will of the said Deceased or for Letters of Administration with or without the Will annexed to his property and credits.

(9) That no application has been made to any District Court or District Delegate or to any High Court for Succession Certificate in respect of any debt or security belonging to the estate of the Deceased [or if made, state to what Court, by what person and what proceedings have been taken].

(If petition is filed after three years from the death of the deceased, please explain delay(see Rule 382)).

The Petitioner, therefore, prays that a Succession Certificate may be granted to the Petitioner in respect of the debts and securities set forth in Schedule I hereto, with power to collect the said debts and to receive interest or dividend on and to negotiate or transfer the said securities.

OR

The Petitioner, therefore, prays that a Succession Certificate may be granted to the Petitioner in respect of the debts set forth in Schedule I hereto, with power to collect the said debts and to receive interest thereon.

OR

The Petitioner, therefore, prays that a Succession Certificate may be granted to the Petitioner in respect of the securities set forth in Schedule I hereto, with power to receive dividend on and to negotiate or Transfer the said Securities.

Sworn / Solemnly affirmed at _____)

This _____ day of _____, 20____)

Advocate for Petitioner

PETITIONER

VERIFICATION

I, _____, (insert full name of the **Petitioner**) the Petitioner abovenamed, do **swear in the name of God / solemnly affirm** that what is stated in paragraphs _____ is true to my own knowledge, and what is stated in the remaining paragraphs _____ is stated on information and belief and I believe the same to be true.

Sworn / Solemnly affirmed at _____)

This _____ day of _____, 20____)

Before me,

Advocate for Petitioner