

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO. \_\_\_\_\_ OF 20\_\_

Petition for Probate of the last Will and Testament (*insert word "Photocopy or Certified copy", if original is not available*) of

\_\_\_\_\_  
*[Insert name in full, nationality, domicile, religion (in case of Muslims, mention sect), 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 \_\_\_\_\_) )

(Sole Executor/One of the Executors/ )

Sole Surviving Executor(s)/All Executors) )

named in the Will of the abovenamed Deceased. )

...PETITIONER(S)

**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 left a writing, which is his last Will and testament. The said writing, hereinafter referred to as “the Will”, is marked as Exhibit “\_\_\_\_\_” and (*insert word “Photocopy or Certified copy”, if original is not available*) is handed in separately for being filed and kept in a safe place in the

Office of the Prothonotary and Senior Master. A copy of the said Will is hereto annexed and also marked as Exhibit “\_\_\_\_\_”.

(4) That the said Will *(if there is/are Codicil or Codicils, say so)* was executed at \_\_\_\_\_ *(insert place of execution of Will and Codicil, if any)* on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ / 20\_\_\_\_ *(insert date of execution of Will and Codicil, if any). (if Will and Codicil, if any, has been registered, mention details of registration) (and if Petition is filed on the basis of certified copy or photocopy of Will, state so and mention reason therefor and correct title and prayer clause accordingly).*

(5) That the Petitioner is the \_\_\_\_\_ *(exact capacity i.e. Sole or one of the Executors)* named in the said Will or the Executor according to the tenor thereof. *(if Petitioner is one of the Executor, then state whether rights of other Executor(s) have been reserved or whether he/they has/have renounced his/their Executorship and whether document supporting renunciation is annexed).*

(6) The Petitioner has truly set forth in Schedule No.I, hereto annexed and marked as Exhibit "\_\_\_\_\_", all the property and credits which the Deceased died possessed of or entitled to at the time of his death, which have or are likely to come to his hands. *(mention all properties as per the Will and Codicil. Petitioner to state whether any of the property is disposed of during the life time of the deceased and therefore, it is not mentioned in the schedule).*

(7) That the Petitioner has truly set forth in Schedule No. II, hereto annexed and marked Exhibit "\_\_\_\_\_" all the items that by law, he is allowed to deduct for the purpose of ascertaining the net estate of the Deceased. *(Delete this para if there are no such items).*

(8) That, the Petitioner has truly set forth in Schedule No. III, hereto annexed and marked Exhibit "\_\_\_\_\_" the property held by the Deceased as a trustee for another and not beneficially or with general power to confer a beneficial interest. *(Delete this para if there is no such property)*

(9) That the assets of the Deceased after deducting the items mentioned in Schedule No. II but including all rents; interest and dividends which have accrued since the date of the death of the Deceased and increased value of the assets since the said date are of the value of Rs.\_\_\_\_\_ *(insert net total amount of Schedule of Petition).*

(10) 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


(11) 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. *[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 Probate may be granted to him having effect throughout the State of Maharashtra *[or throughout India]. [insert words "throughout India", if any property is situated outside the State of Maharashtra]. [insert words "limited until the original Will is produced", if Petition is filed on the basis of photocopy or certified copy of Will and/or Codicil, if any] [insert words "reserving or renouncing the right(s) of Executor(s), if any Executor(s) has / have reserved or renounced his/her/their executorship]*

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