

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO. _____ OF 20__

Petition for Letters of Administration with
Will (*insert word "Photocopy or Certified
copy", if original is not available*) annexed to
the property and credits 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 legatee/ one of the legatee/ or sole beneficiary)

named in the Will of the abovenamed Deceased.)

.... PETITIONER

[If Petition is filed through Constituted Attorney (as per Rule 394), full name, age, nationality, domicile, occupation and full address of said Constituted Attorney should be mentioned before the name of original Petitioner and a true copy of Power of Attorney should be annexed and marked as Exhibit]

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 by the said Will the Deceased appointed _____, *[insert full name(s) of Executor(s)]* Sole Executor *(or no Executor, as the case may be)*, but he has since died, to wit on the _____ day of _____ 19____ / 20____ *(insert date of death of Executor)* without having proved the said Will, and that the abovenamed Petitioner is the _____ *(insert exact capacity i.e. the Sole Legatee / One of the Legatees or the Sole Beneficiary / one of the Beneficiary or the Legal Representative of the Sole Legatee / One of the Legatee / Sole Beneficiary / One of the Beneficiary)* of the

Deceased. *(If Sole or all Executors have renounced executorship, say so and annex supporting documents)*

(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 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 Letters of Administration with the said Will annexed may be granted to him as the _____
(insert exact capacity of Petitioner) of the said Deceased having effect throughout the State of Maharashtra *[insert words "throughout India", if any property is situated outside the State of Maharashtra]. [insert words "limited until the original Petitioner shall come in and apply for Letters of Administration with Will annexed", if Petition is filed through Constituted Attorney] [insert words "limited until the original Will and/or Codicil is produced", if Petition is filed on the basis of photocopy or certified copy of Will and/or Codicil, if any] [insert words "renouncing the right(s) of Executor(s), if the Sole or all Executors have renounced 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