**PETITION FOR PROBATE OR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED**

IN THE COURT OF District Judge …………………..

District..................

Original petition No……………........ of..................... under Indian Succession Act 1925 per Matter of the Will of A ......................... expired Petition of X son of E by caste ...................................: by occupation ...................... residing at....................................................................................................

Respectfully sheweth:

(1) That the above-named A after it referred to as said deceased who being a Hindu ruled by Hindu Succession Act (Act XXX of 1956) and expired on the .........day of......... at......... within the jurisdiction of this court which had been his fixed place of residence (or where he was temporarily resident, his fixed place of residence being at...... within the jurisdiction of this court or leaving the property within the jurisdiction of this court as will appear from the affidavit of assets instituted herewith.

(2) That before to his death and on the ......... day of......... the deceased made/published his last will and testament whereby he selected petitioner being sole executor and left/bequeathed his property and effects thereof as defined therein.

(3) The said will is enclosed to the affidavit of Sri .......... one of attesting witnesses and it will clearly from said affidavit as same was duly executed by said deceased before the witnesses whose names appear at the bottom thereof and was also attested by them.

(4) Petitioner is the same person as X the executor named in the will and, hence he bears right to probate thereof (or where the application is for letters of administration with a copy of the will enclosed—as the said testator did not select any executor of his said will, petitioner being his eldest son and one of persons bearing a right to a share of his property in the case of intestacy—bear right to and so claims management of the property and credits of the said A.

(5) That petitioner has truly given in Annexure A to his affidavit valuation instituted herewith all the properties with credits which the deceased expired possessed of or was otherwise having at the time of his death which have come or about to come to petitioner's hands and so far as petitioner has been able to find out or is aware, there are no property/credits other than what are stated in the Annexure A of said affidavit. If other assets are discovered petitioner undertakes to pay the required court-fee on that account.

(6) That petitioner has also truly given in Annexure B to his said affidavit all items which legally he is allowed to deduct.

(7) The value of assets which will come to petitioner's hands in case of probate of the will or letters of administration with a copy enclosed thereto being allowed does not exceed the aggregated sum of Rs. ……………....... and the net amount after deducting all items which he is legally allowed to deduct by him being under the value of Rs. ………............

(8) That the deceased was a Hindu ruled by Hindu Succession Act (Act 30 of 1956) and at the time of his expiry he left the following and none other relations who would have been his successors in case of intestacy under the said Act.

Name, address, age and relationship: remarks, if any (full details)

(9) That petitioner has duly paid the ad valorem duty payable relating to property of deceased.

(10) That no application has been made before any other court in probate of said will/letters of administration with a copy enclosed thereto and no proceedings or suit are pending for managing of the estate.

(11) petitioner hereby undertakes to manage the estate with credits of the said A deceased and to make and file a full and true inventory thereof for exhibiting the same in this court by six months from date of granting probate of will (or letters of administration) to him, and also give this court a true account of said estate with credits by one year from said date.

That this application is made bona fide. Petitioner therefore prays:

(a) That probate of said will (or letters of administration to estate and credits of the said expired, along with copy of said will enclosed) effecting throughout the State of………………………………......... may be allowed to him.

(b) For such other reliefs as this court may consider fit.

Prepared in my office:

Advocate for the petitioner

**Verification of the Applicant**

I, ................................. the above-named petitioner, do hereby declare and say that the statements contained in paragraphs 1, 2,3, 4, 5, 6, 7, 8, 9,10 and 11 of the above petition are true to my best knowledge and those bearing in paragraphs 12 and 13 thereof are my presentations.

I sign this verification at................... this ......... day of.............

DECLARATION OF WITNESS

I,…………….............. one of the witnesses to the last will and testament of……........the testator stated in the above petition, do say and declare that I was present on the ......... day of......... at............ and saw the testator affix his hand/signature or mark to said will, marked A per Affidavit of................... instituted herewith (or that the said testator admits the writing enclosed to above petition and marked A, to be his last will/testament in my presence).

Solemnly affirmed by the said ............ witness this ............day of ............ at

court House at Bombay

Sign

Before me

Commissioner/Magistrate/Oath Officer