**BOND ON GRANT OF LETTERS OF ADMINISTRATION.doc**

**BOND ON GRANT OF LETTERS OF ADMINISTRATION**

KNOW ALL MEN that we, AA. etc. and BB. etc. (surety for the said AA.) hereby bind ourselves jointly and severally to Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, District Judge of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for the payment to him or his successor-in-office of the sum of Rs \_\_\_\_\_\_\_\_\_

Signed by us on the\_\_\_\_\_\_\_\_\_. day of \_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_\_\_\_\_

(Signature)

WHEREAS by an order of the court of the said District Judge of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ made on the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, the above-named AA. has been appointed administrator of the estate of YZ., deceased, subject to the said AA. Entering into a bond of Rs \_\_\_\_\_\_\_\_\_\_\_\_\_ with one surety in the same sum for the due collection, getting in and administering the estate of the deceased;

AND WHEREAS the said AA. has agreed to enter into the above-mentioned bond and the said BB. has agreed to enter into the said bond as surety for the said AA.

NOW the condition of the above-written bond is such that if the said AA. does and shall within six months from the grant to him of letters of administration of the estate of YZ., deceased, or such further time as the said Court may appoint, exhibit in the said Court an inventory containing a full and true estimate of all the property, in possession, and all the credits, and also all the debts owing by any person to which the said AA. is entitled as administrator, and do and shall, within one year from the said grant, or such further time as the said Court may appoint, exhibit an account of the estate of the said deceased, showing the assets which have come to his hands and the manner in which they have been applied or disposed of, and do and shall well and truly administer, the said property, credits and estate according to law, and shall deliver and pay to such person or persons, as shall be lawfully entitled thereto, all the rest and residue of the said property, credits and estate which shall be found remaining upon the said administration account, then the above-written bond shall be void but otherwise it shall remain in full force.

Signed etc.

**PETITION FOR APPOINTMENT OF CURATOR**

IN THE COURT OF THE DISTRICT JUDGE \_\_\_\_\_\_\_\_\_\_\_\_

Civil Misc. Case No\_\_\_\_\_\_\_\_\_\_\_\_ of 20 \_\_\_\_\_\_\_\_\_\_\_\_

AA. etc. ……………………………………………………Petitioner;

 Versus

BB. ………………………………………………………….Respondent.

The property of late \_\_\_\_\_\_\_\_

(here state the name, description and residence of the deceased)

Petition under Section 192 of the Indian Succession Act.

The Petitioner states as under:

1. That the deceased named above died at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_\_\_\_(date of death).

2. That the ordinary residence of the deceased at the time of his death was at\_\_\_\_\_\_\_\_\_\_\_\_ within the jurisdiction of this Court.

3. That the petitioner is (here state the relation of the petitioner with the deceased) and in this capacity the petitioner claims the right by succession to the property of the deceased above said.

4. That the deceased left the properties specified in Annexure ‘A’ attached to this application within the jurisdiction of this Court.

5. That the respondent is attempting to take forcible possession over the properties of the deceased specified in Annexure ‘A’ to this application.

6. That it is expedient in the ends of justice and in the interest of the protection of the properties of the deceased that a curator be appointed by this Court to take possession of the said properties and retain possession over them till the question of actual rights is decided.

It is, therefore, prayed that after an enquiry under Section 193 of the Indian Succession Act, the court may be pleased to appoint a curator to take immediate possession of the properties of the deceased specified in Annexure ‘A’ of this application with such directions to prepare an inventory of the properties aforesaid and any other directions that this Court may think fit and thereafter the properties specified in Annexure ‘A’ to this application be delivered to the petitioner.

Date \_\_\_\_\_\_\_\_\_\_

Petitioner.

**PETITION FOR EXTENDING OF SUCCESSION CERTIFICATE**

In the District Court of etc

In the goods of (state name, address and nationality)

In the matter of granting extension in Succession Certificate relating to debts /securities of said deceased per s. 376 of the Indian Succession Act

The applicant named above states as below:

1. That C of etc., hereinafter referred to as the said deceased expired at etc., intestate on the …............. day of………........... 2002.

2. That the permanent residence of said deceased when he expired was at etc. within the jurisdiction of this court, where he has left also some estate.

3. That the said deceased was ruled by Hindu Succession Act (or Indian Succession Act) and the applicant, being his legal successor per the said law, bear right in granting succession certificate already granted and so bear right to extension thereof prayed for hereunder.

4. That the said deceased left successors living at the time of his death only the following relatives:

(a) …………………

(b) …………………

5. That the said deceased left no will and with out any application to any court for granting probate or any letters of management with a copy enclosed thereto and there is no obstruction in granting of extension certificate.

6. That the applicant got on the ............ day of ............ a succession certificate from this court relating to some of debts and securities of said deceased. A copy of the said certificate is hereunto enclosed and marked A.

7. That the applicant on the ......... day of............ comes to know that the said deceased also left behind various other debts and securities stated in Schedule A hereunder.

The applicant hence prays that this court may be pleased to grant him an extended certificate for collection debts and securities with interest thereon stated in Schedule A hereunder on paying additional duty, if compulsory.

**Verification**

I, ........................ resident at ........................ being the ............ of named above............ do hereby solemnly and say that the statements contained in paragraphs 1 to 7 of the above petition and also the details contained in Annexure "A" and the Schedule including all figures are true to my best knowledge and the rest are my kind submissions to this Learned Court.

Date

Place

Deponent

 **PETITION FOR GRANTING OF SUCCESSION CERTIFICATE**

Before the District Court of...................................................................

In the goods of .................................................................................... (state name, address/nationality)

In the matter of granting succession certificate relating the debts, securities of the said deceased

The humble petition of …………………………………………………………………….. (state name/address/relationship)

The named above applicant respectfully state as below:

1. That the deceased Mr……………………………………………….. S/o………………………………………….…., after it referred to as the said deceased expired intestate at No................ on the ......... day of...........

2. That before and at the time of his expiry the said deceased was permanently residing at No. .................................. within the jurisdiction of this court, where he ordinarily resided and lived and left also some estate.

3. That the said deceased was ruled by Hindu Succession Act (or Indian Succession Act) etc., and the applicant is his legal successors under the said law bear right to succession certificate relating to debts and securities hereunder stated.

4. That said deceased left him surviving on his death, the following and no other relatives.
……………
……………
5. That said deceased left no will, no application was or could therefore be searched in any court for granting probate thereof or management his property, with a copy enclosed thereto and there being no obstruction in granting certificate to applicant.

6. That the details of debts and securities concerning which certificate is prayed for are given in Annexure A.

The applicant prays that the court may kindly grant him the succession certificate for collection the debts and securities with interest thereon stated in Annexure A below.

Annexure A

**Verification**

1,…………………………….......................... resident at....................................... being the..................named above ..................................................................... do hereby solemnly declare and say that the statements contained in paragraphs 1 to 6 of the above petition and also the details contained in the Annexures 'A' and 'B' including all figures are true to my best knowledge and remaining are my kind submissions to this Learned Court.

Date

Place

Deponent

**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

**PETITION FOR REVOCATION OF PROBATE**

In the Court of the District Judge of \_\_\_\_\_\_\_\_\_\_\_\_

Case No\_\_\_\_\_\_\_of 20 \_\_\_\_\_\_\_

1.AA. etc\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.BB. etc\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioners;

Versus

CC. etc\_\_\_\_\_\_\_

Respondent.

In the matter of application under Section 263 of the Indian Succession Act, 1925.

The petition of AA. and BB above named most respectfully sheweth:

1. That in Case No\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of 20 \_\_\_\_\_\_\_ , one CC. obtained probate of the alleged last Will and Testament of DD., deceased (or obtained letter of administration in the goods of DD, deceased) from, this Court on the\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ , 20 \_\_\_\_\_\_\_ .

2. That the said grant of probate was obtained fraudulently, inasmuch as the will in respect of which the probate was granted to the said CC. was a forgery and that the said DD., deceased, left no Will at the time of his death.

 (or)
2. That the said grant of letters of administration was obtained fraudulently inasmuch as the said CC concealed from the Court the fact that the said DD. deceased had left a Will whereby the deceased had appointed your petitioner as executor.

3. That the proceedings to obtain the probate (or letters of administration) were defective in substance inasmuch as no citation was issued on the petitioners and other relatives of the deceased.

Your petitioners therefore pray that under the above circumstances the grant of probate (or letters of administration) to CC. may be revoked. And your petitioner as in duty bound shall ever pray.

Verification

(Signature)

 **PETITION FOR REVOKING GRANT OF PROBATE, LETTERS OF ADMINISTRATION.doc**

In the Court of the District Judge of \_\_\_\_\_\_\_\_\_\_\_\_

Case No\_\_\_\_\_\_\_of 20 \_\_\_\_\_\_\_

1.AA. etc\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.BB. etc\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioners;

 Versus

CC. etc\_\_\_\_\_\_\_

Respondent.

In the matter of application under Section 263 of the Indian Succession Act, 1925.

The petition of AA. and BB above named most respectfully sheweth:

1. That in Case No\_\_\_\_\_\_\_, of 20 \_\_\_\_\_\_\_ , one CC. obtained probate of the alleged last Will and Testament of DD., deceased (or obtained letter of administration in the goods of DD, deceased) from, this Court on the\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ , 20 \_\_\_\_\_\_\_ .

2. That the said grant of probate was obtained fraudulently, inasmuch as the will in respect of which the probate was granted to the said CC. was a forgery and that the said DD., deceased, left no Will at the time of his death.

(or)

2. That the said grant of letters of administration was obtained fraudulently inasmuch as the said CC concealed from the Court the fact that the said DD. deceased had left a Will whereby the deceased had appointed your petitioner as executor.

3. That the proceedings to obtain the probate (or letters of administration) were defective in substance inasmuch as no citation was issued on the petitioners and other relatives of the deceased.

Your petitioners therefore pray that under the above circumstances the grant of probate (or letters of administration) to CC. may be revoked.

And your petitioner as in duty bound shall ever pray.

**Verification**

(Signature)

**PETITION FOR THE GRANT OF SUCCESSION**

**CERTIFICATE BY WIDOW**

In the Court of District Judge at...............

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

Indian Succession Act 1925, Case No. ......... of ……...

In the Goods of (name, address, caste and nationality of the deceased)

And

In the matter of Succession Certificate relating to debts and securities of the estate of the deceased

The humble petition of .................................. sole widow of the deceased of No. .............................

Respectfully sheweth:

1. That petitioner is the sole widow of the deceased.

2. That deceased named above hereinafter referred to being the said deceased who had been during his lifetime till his death permanently residing and living at said premises ............... within the jurisdiction of this court and was by nationality and faith a Hindu citizen of India ruled by Dayabhaga /Tamil School of Hindu Law, expired intestate on the ......... day of............ at his above stated place of residence.

3. The deceased, at the time of his expiry, left only his widow, the applicant and none else as his successor per Hindu Succession Act 1956.

4. That at the time of his expiry the dead left no son/daughter/father or any grandson or granddaughter by any predeceased son or daughter or any great-grandson or any great-granddaughter by any predeceased grandson and granddaughter or any widow of any predeceased son or predeceased grandson or great-grandson or any other relation given in class I and class II of the Schedule per s. 8 of the said Act.

5. That the dead left at the time of death inter alia assets on which succession certificate is been prayed for to the market value of Rs. ............. A whole and complete schedule of said assets is hereunto enclosed and marked "A".

6. That industries and close searches were under taken by petitioner to find out if dead left any will or disposed otherwise relating to estates, credits , and assets but no such will has been found up till now. Petitioner, therefore, believes/bear reasons to believe that he expired intestate. No letter of administration has been issued relating to property of dead. No application for letter of management or succession certificate is waiting decision in this court or in any other court.

7. That petitioner being same and alike person stated as the sole widow of the dead and she being interested in managing the property of dead.

8. it being clear from facts/circumstances hereinbefore mentioned that there being no obstruction per s. 370 of Indian Succession Act 1925 or any other enactments of said Act or any other provision against the grant of Succession Certificate hereunder prayed to petitioner nor to the legality thereof when allowed.

9. That petitioner submits and states that in aforesaid circumstances she alone bear right to the grant of Succession Certificate relating to said assets payable to the property of deceased.

10. That ad valorem duty of Rs. ............ payable relating to grant of Succession Certificate hereunder prayed for has been paid.

11. That this application is made bonafide.

Petitioner, therefore, prays for ordering per below terms:

(i) Succession certificate may be allowed to petitioner relating to assets, properties with credits specified in Schedule "A" hereto empowering to collect and/or receive and/or realise the same inclusive all interests accrued thereon and to sell and/or negotiate and/or deal with the same without any impediment.

(ii) Petitioner be exempted from presenting any security on that account.

And petitioner as in duty bound shall ever pay.

------------------------------------------------------------------------------------------------

**Verification**

I, Smt.................................... sole widow of the ………………….............. named above resident at No.............. do hereby say and declare that the statements having in paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 10 of the above petition and also the particulars contained in Schedule ......... including all figures, are true to my best knowledge and those contained in paragraphs 9 and 11 hereof are my presentation to this Learned Court.

Date:

Place:

Deponent

**SECURITY BOND ON GRANT OF SUCCESSION CERTIFICATE**

KNOW ALL MEN that we, AA. etc. and BB. etc. (surety for the said AA.) hereby bind ourselves jointly and severally to Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, District Judge of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for the payment to him or his successor-in-office of the sum of Rs \_\_\_\_\_\_\_\_\_

Signed by us on the \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_\_\_\_\_.

(Signatures)

WHEREAS the Court of the said District Judge has on the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_ passed an order for the grant to the said AA. of a Succession Certificate to the estate of YZ., deceased, on condition of the said AA. executing a bond with one surety for the amount of Rs \_\_\_\_\_\_\_\_\_\_\_\_for the purpose hereinafter appearing;

AND WHEREAS the said AA. has agreed to enter into the above bond and the said BB has agreed to enter into the above bond as surety for the said AA. Now the condition of the above bond is such that if the said AA. shall justly and truly account for the debts and other securities of the said YZ., deceased, received by him and shall indemnify the persons who may be entitled to the whole or any part of such debts and securities then the above-written bond shall be void but otherwise it shall remain in force.

Signed etc.