**Petition for Probate or Letters of Administration with the Will Annexed**

In the court of the district delegate for District Judge) of
District………………………..

 Original petition No……….of…….under

 Indian Succession Act 1925 in the Matter of the

 Will of AB……………deceased

 Petition of XY son of EF by caste……….

 by occupation……….resident of…….

Most Respectfully Sheweth:

(1) That the above-named AB hereinafter referred to as the said deceased who was a Hindu governed by the Hindu Succession Act (Act XXX of 1956) and died on the….day of….at……within the jurisdiction of this court which was his fixed place of residence (or where he was temporarily residing, 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 filed herewith.

(2) That prior to his death and on the……..day of………the deceased made and published his last will and testament whereby he appointed your petitioner as the sole executor and left and bequeathed his estate and effects thereof as indicated therein.

(3) The said will is annexed to the affidavit of Sri………..one of the attesting witnesses and it will appear from the said affidavit that the same was duly executed by the said deceased in the presence of the witnesses whose names appear at the foot thereof and was also attested by them.

(4) Your petitioner is the same person as XY, the executor named in the will and, as such, he is entitled to probate thereof (or where the application is for letters of administration with a copy of the will annexed-as the said testator did not appoint any executor of his said will, your petitioner being his eldest son and one of the persons entitled to a share of his estate in the event of intestacy-is entitled to and so claims administration of the property and credits of the said AB.

(5) That your petitioner has truly set forth in Annexure A to his affidavit of valuation filed herewith all the properties and credits which the deceased died possessed of or was otherwise entitled to at the time of his death which have come or are likely to come to the petitioner's hands and so far as your petitioner has been able to ascertain or is aware, there are no property and credits other than what are specified in the Annexure A of the said affidavit and in case of discovery of other assets your petitioner undertakes to pay the requisite court-fee on that account.

(6) That your petitioner has also truly set forth in Annexure B to his said affidavit all the items that by law he is allowed to deduct.

(7) The value of the assets which are likely to come to your petitioner's hands in the event of probate of the will or letters of administration with a copy annexed thereto being granted does not exceed the aggregated sum of Rs……..and the net amount after deducting all items which he is by law allowed to deduct, is under the value of Rs……..

(8) That the deceased was a Hindu governed by the Hindu Succession Act (Act 30 of 1956) and at the time of his death he left the following and no other relations who would have been his heirs in the event of intestacy under the said Act.

Name, address, age and relationship; remarks, if any {full details)

(9) That your petitioner has duly paid the ad valorem duty payable in respect of the estate of the deceased.

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

(11)Your petitioner hereby undertakes to administer the property and credits of the said AB deceased and to make and file a full and true inventory thereof and exhibit the same in this court within six months from the date of grant of probate of the will (or letters of administration) to him, and also to render to this court a true account of the said property and credits within one year from the said date.

(12) That this application is made bona fide.

Your petitioner therefore prays:

(a) That probate of the said will (or letters of administration to the property and credits of the said deceased, with a copy of the said will annexed) with effect throughout the State of………..may be granted to him.

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

Prepared in my office: Advocate for the petitioner

**Verification of the Applicant**

I,…………, the above-named petitioner, do 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 knowledge and those contained in paragraphs 12 and 13 thereof are my submissions.

1 sign this verification at………..this……….day of……………

**Declaration of Witness**

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

Solemnly affirmed by the said

…….witness this………….day

of…………. at Court House at

Mumbai

Sign Before me

Commissioner/Magistrate /Oath Officer