

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO. OF 20 [•]

Petition for probate of the Last Will &  
Testament of deceased [•] Indian Inhabitant,  
occupation: [\_\_\_\_\_], who was residing  
in [•] at the time of his death at [•]

... Deceased

[•] adult, aged [•] Indian Inhabitant of [•] )  
occupation, [\_\_\_\_\_] residing at )  
[•] being the sole executor )  
named under the Last Will & Testament )  
of the deceased abovenamed )

... Petitioner

THE PETITION OF THE PETITIONER ABOVENAMED TO, THE  
HON'BLE THE CHIEF JUSTICE AND JUDGES OF THE HIGH COURT

***SHEWETH:***

1. That the abovenamed [•] died at [•] on or about [•]. Hereto annexed and marked as **Exhibit - "A"** is a copy of Death Certificate of Late [•] (hereinafter referred to as "the said deceased").
2. That the said deceased at the time of his death had a fixed place of abode at [•] and left property within [•].

3. That the said deceased left a writing, which is his Last Will and Testament. The said writing, hereinafter referred to as “the said Will”, is hereto annexed and also marked **Exhibit - ‘B’** and is handed in separately for being filed and kept in a safe place in the office of the Prothonotary and Senior Master.
4. That the said Will was duly executed at Mumbai on the [•] of [•] 20[•].
5. That the Petitioner submits that the said deceased had appointed the Petitioner abovenamed as sole Executor under the said Will.
6. That the Petitioner has truly set forth in the schedule No. I, hereto annexed and marked **Exhibit “C”**, all the property and credits which the deceased died possessed of or entitled to at the time of his/her death, which have or are likely to come to his hands.
7. The Petitioner has truly set forth in schedule No. II, hereto annexed and marked **Exhibit “D”**, the property held by the deceased as trustee for another and not beneficially or with general power to confer a beneficial interest.
8. That the asset of a 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. \_\_\_\_\_.
9. That the said deceased left him/her surviving as his/her only heirs and next-

of-kin according to the Hindu Succession Act, 1956, the following persons, who are residing at the addresses set out against their respective names:

<b>Sr. No.</b>	<b>Name and address of the legal heirs of the deceased abovenamed</b>	<b>Age</b>	<b>Relationship with the deceased</b>
[•]	[•]	[•]	[•]

10. That no application has been made to any District Court or District Delegate or to any other 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.

The Petitioner prays that probate may be granted to him having effect throughout the state of Maharashtra.

Dated this \_\_\_ day of [•], 20[•]

Advocate for the Petitioner

(Petitioner)

**VERIFICATION**

I, [•] s/o [•] the Petitioner abovenamed do solemnly declare that what is stated in paragraphs 1 to 10 is true to my own knowledge.

Solemnly declared at Mumbai )

This \_\_\_\_\_ day of [•], 20[•] )

Before me,

Assistant Master/Associate,

High Court, Bombay.

Advocate for the Petitioner

SAMPLE DRAFT

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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Petition for probate of the Last Will &  
Testament of deceased [•] Indian Inhabitant  
of [•] who at the time of his death was  
residing at [•]

... Deceased

[•] )  
adult, Indian Inhabitant of [•] )  
aged [•], residing at [•] being the executor )  
named under the will of the )  
deceased abovenamed )

... Petitioner

I, [•] s/o [•] Indian Inhabitant, residing at [•] do solemnly affirm and say as follows:

1. That I knew and was well acquainted with the deceased [•] the abovenamed.
2. That on the [•] of [•] 20[•], I was present together with [•] at the house of Mr. [•] and we did then and there see the deceased set and subscribe his signature at the foot of the Last Will & Testament of the said deceased ("the said Will"), which is referred to in the Petition herein and marked Exhibit "B" and declare and publish the same as his last Will and Testament.

3. That thereupon I, and the said [•] did at the request of the said deceased in his presence and in the presence of each other set and subscribed our respective names, signatures and addresses at the foot of the said Will as witnesses thereto.
4. That the signature subscribed viz sd/- [•] at the foot of the said Will as of the party executing the same is in the proper handwriting of the said deceased and the name, signature and addresses viz. [•] also subscribed and written at the foot of the said testamentary paper as of the parties attesting execution of the same are in the proper respective handwritings of me this deponent and the said [•]
5. That at the time the said deceased so subscribed his signature to the said Will as aforesaid, he was of sound and disposing mind, memory and understanding and to the best of my belief made and published the same of his free will and pleasure.

Solemnly affirmed at Mumbai )

This \_\_\_\_\_ day of [•], 20[•] )

Before me

Advocate for the Petitioner

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**TESTAMENTARY AND INTESTATE JURISDICTION**

**PETITION NO.                      OF 20[•]**

Petition for probate of the Last Will &  
Testament of deceased [•] Indian Inhabitant  
of [•] who at the time of his death was  
residing at [•]

[•]  
adult, Indian Inhabitant of [•]  
aged [•] being the executor  
named under the will of the  
deceased abovenamed

)  
)  
)  
)  
)

... Deceased

... Petitioner

To,  
The Registrar (O.S.) /  
The Prothonotary & Senior Master,  
High Court, Bombay.

Sir,

I, [•] the Petitioner abovenamed do hereby appoint [•] to act, appear and plead  
on my behalf in the above matter.

IN WITNESS WHEREOF, I have set and subscribed my hand to this writing at  
Mumbai.

Dated this \_\_\_\_\_ day of [•] 20[•]

Advocate for the Petitioner





3. I am aware that the Petitioner abovenamed has applied for the Probate of the said Will of the deceased abovenamed and the said Petition is pending in this Hon'ble Court.

4. I hereby give my full and free consent for the Probate being granted in favour of the Petitioner abovenamed without any service of Citation upon me and without any surety being justified in respect of my share in the estate of the deceased abovenamed.

Solemnly affirmed at Mumbai )

This \_\_\_ day of [•], 20[•] )

Before me;

Advocate for the Petitioner



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**TESTAMENTARY AND INTESTATE JURISDICTION**

**PETITION NO.    OF 20[•]**

[•]

... Deceased

[•]

... Petitioner

**PROFOMA**

SAMPLE DRAFT