**PETITION UNDER SECTION 278 OF THE INDIAN SUCCESSION ACT FOR GRANT OF PROBATE LETTER OF ADMINISTRATION**

IN THE COURT OF THE....................

Probate No..................... of 19....................

C. F.................................................................. Petitioner

*versus*

C. D............................................................ Respondents

Respectfully Showeth:

1. That.................... widow of..................... resident of.................... died at.................... on.................... The copy of the death certificate is attached herewith.

2. That the deceased had left behind her the legal heirs described as respondents.................... above. Their relations with the deceased.................... are as under: —

The respondent.................... are the brothers of husband of the deceased. The respondents.................... are the daughters of Late Shri.................... respondent .................... is the widow of Late.................... and respondent No..................... is the son of Late.................... who was the brother of the deceased.

The respondents.................... are the brothers and respondents.................... are the sisters of the deceased.

3. That the deceased.................... had a fixed place of abode in India and had her ordinary place of residence at House No.....................

4. That.................... deceased had bequeathed all her properties (moveables and immovables) deposits in various banks as well as the immoveable property mentioned in.................... attached to this petition in favour of the petitioner vide her will dated..................... duly registered on..................... which is her last will and the same was duly executed in the presence of witnesses namely: —

1.........................................

2.........................................

5. That the petitioner has obtained Succession Certificate in respect of all monies deposited in various banks from the court of Shri.................... in case No. .................... decided on.................... on the basis of the said Will.

6. That the deceased.................... has also bequeathed her.................... house situated in.................... and.................... lying in Safe No..................... of ..................... The details of the property bequeathed to the petitioner with its approximate value is mentioned in.................... attached to this petition. The total value of the same is Rs..................... Affidavit as per.................... under Section 19(1) of the Court Fee Act is annexed.

7. That the petitioner had earlier applied for the grant of Letter of Probate/ Administration in respect of Property.................... and with regard to.................... lying in Safe No..................... only. However, in the present petition, the petitioner has also included the two properties situated in.................... bequeathed to the petitioner. The previous petition was moved in the court of the District Judge, .................... (Probate Case No..................... was appointed as.................... by the court of the District Judge, and the safe No..................... was opened by him and the inventory of the.................... lying in the said safe was prepared by him and the valuation report in respect of the jewellery was obtained from Registered valuer .................... vide his report dated.................... and the same was assessed at Rs. .................... by the said Valuer. The said petition was withdrawn by the petitioner from the Court of the District Judge,.................... as the court of the District Judge had no jurisdiction to decide the petition because value of the properties situated outside the jurisdiction of.................... court is more than Rs...................... i. e. the value of the.................... lying in safe No..................... is Rs..................... and the petitioner came to know about its valuation only after the report of the Local Commissioner appointed by the Court of the District Judge..................... Hence the present petition before the Hon’ble Court.

8. That the petitioner is the sole legatee, executor named in the said Will.

9. That there is no impediment under Section 370 of the Indian Succession Act. or any other provisions to the grant of Letter of Probate/ Administration in favour of the petitioner. The list of the property for which letter of Probate/Administration is applied for is given in.................... attached to the petition.

**PRAYER**

It is, therefore, prayed that the letter of Probate/Administration of the Will dated.................... duly executed by the deceased........................... be granted in favour of the petitioner. Any other relief which the Hon’ble Court deems fit and proper in the circumstances of the case be also granted to the petitioner.

Place....................

Dated....................

Petitioner

Through Advocate

**VERIFICATION**

I......................................... petitioner trust solemnly affirm that the contents of the above petition are true and correct to my knowledge.

Petitioner

Certificate by witness regarding Will.

I,.................... son of Shri.................... resident of.................... solemnly stated that.................... widow of Shri.................... had executed a Will dated .................... at her last Will and who had signed the same in my presence and in the presence of Shri.................... the owner attesting witness and I and Shri .................... had also signed as attesting witnesses thereof in the presence of the executant and in presence of each other.

**PROCEEDINGS FOR GRANT OF SUCCESSION CERTIFICATE**

The proceedings for grant of succession certificate are summary in nature and that no rights are findly decided in such proceedings.1

Expression "claiming to have any interest in the estate of deceased" occurring in Section 283(1 )c of Indian Succession Act would mean any interest, however slight and even bare possibility of an interest would be sufficient to entitle a person to enter caveat and contest probate proceedings.2