

APPENDIX-11

**RULES UNDER THE TESTAMENTARY AND INTESTATE
JURISDICTION**

No.HC.XI-3/53/1322-RC.— In exercise of the powers conferred by the Article 225 of the Constitution of India read with Article 6 of the Assam High Court Order, 1948, the High Court of Assam has been pleased to make the following rules under the Intestate and Testamentary jurisdiction of the High Court. The rules will take effect from the date of publication in the Assam Gazette.

1. Non contentious business shall include the business of obtaining probate and letters of Administration (with or without the will annexed, and whether general, special or limited) where there is no contention as to the right thereto, including the passing of probates and letters of administration through the Court in contentious cases where the contest is terminated, and all ex-parte business to be taken in the Court in matters of testacy, and not being proceeding in any suit, and also the business of lodging caveats against the grant of probate or letters of administration.

2. The word “will” in this Chapter include a ‘codicil’.

3. The Registrar shall give notice of all applications for probate or letters of administration to the Chief Controlling Revenue Authority.

4. (1) Every application for probate or for letters of administration with or without the will annexed shall be accompanied by-

(a) A certificate of the Registrar as to duty having been paid (Form No.1) or a certificate of Taxing Officer that no duty is payable (Form Nos.2,2-A and 3).

(b) A certificate of the Registrar that no intimation has been received by this Court from any other High Court or any District Court, of any grant of probate or letters of administration of the property and credits of the deceased with effect throughout India.

(2) Every application for a certificate under Section 372 of the Indian Succession Act shall be accompanied by a certificate of the Registrar that the fee payable under Section 379 of the said Act has been paid.

(3) Except in a case where the Administrator-General is the applicant, with every application for grant of probate or letters of administration there shall be filed an affidavit of valuation in the form set forth in Schedule III of the Court Fees Act, 1870.

(4) In a case where a caveat has been filed prior to the presentation of the application for grant of probate or letters of administration, or where the applicant,

on the presentation of such an application, prays in the first instance for the issue of a citation the payment of the ad valorem fee payable on the valuation may be postponed till any caveat filed has been disposed of.

(5) In all cases where the payment of the ad valorem fee has been postponed under the proceeding rule the applicant shall, before applying for an order or decree for the issue of the grant to him, produce to the Judge or Court, as the case may be a certificate of the Registrar or Taxing Officer, showing that the ad valorem fee has been paid, or is not payable, as the case may be, as required by clause (3) of this Rule.

5. The Judge may, in cases where he deems it necessary require proof, in addition to the usual statement required to be made in the petition, or the identify of the deceased or of the party applying for the grant.

6. No person, who renounces probate of a will or letters of administration of the property of a deceased person in one character, shall, without the leave of the Judge, take out representation to the same deceased in another character.

7. In all application by a creditor for letters of administration, it shall be stated particularly how the debt arose and whether the applicant has any and what security for the debt.

8. Where a will contains a reference to any paper, memorandum, or other document of such a nature as to raise a question whether it ought not to form constituent part of the will, such paper, memorandum or other document should be produced with a view to ascertain whether it is entitled to probate, and where not produced, its non-production must be accounted for. No paper, memorandum or other document can form part of a will unless it was in existence at the time when the will was executed.

9. On an application for letters of administration, unless otherwise ordered, a citation shall issue to all persons having a right to take the grant prior or equal to that of the applicant, unless such persons have signified their consent to the application.

10. Where letters of administration are applied for by a creditor, a special citation shall be issued to the widow, if any, and to the next of kin provided they shall be resident within the jurisdiction or have any known agent or agents resident within the jurisdiction, and to the Administrator General, Assam and a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.

11. Where letters of administration of the estate of a deceased woman of the town are applied for, a special citation shall be issued to the State of Assam. Where properties in States other than Assam are disclosed in the affidavit of

Assets, a special citation shall be issued to the Legal Remembrancer of the State or States where the property or properties may be situate.

12. All citations shall, unless otherwise ordered direct the persons cited to show cause on the fourth day from the date of service where the parties to be cited reside within the town of Gauhati or on such day certain as the judge shall direct where they reside outside Gauhati, and where they cannot be served in the manner provided for service of process, may be served by the insertion as an advertisement in such local newspapers as may be directed, of a notice in form No.5.

13. All grants of probate or letters of administration (with or without the will annexed) other than grants under the Administrator-General's Act shall, unless otherwise ordered be drawn up by the Registrar, with effect within the State of Assam.

14. In all cases under the Indian Succession Act, in which it is sought to obtain a grant of probate or letters of administration (with or without the will annexed) to have effect throughout India, or under the Administrator General's Act, with effect throughout any or all of the States as defined in or constituted by or under that Act as defined in that Act, such grant must be expressed asked for and it must be shown where the assets are situated.

15. Every person to whom a grant of letters of administration, other than a grant under Section 212 of the Indian Succession Act, is committed shall give a bond to and in the name of the Chief Justice with one or more sufficient sureties to be approved by the Registrar. Such bond shall in all cases be prepared in the office of the Registrar, (Forms Nos. 6 and 7) and shall, unless otherwise ordered by the Court or a Judge, to given in the amount of the full value of the property for which the grant is to be made.

16. A Guarantee Society, duly approved of by the Full Court may be accepted as surety upon its joining in a bond with the Administrator or Administrators in either Form No.8 or Form No.9.

17. Where such a Guarantee Society is represented by Agents, the document or documents authorising the latter to act on behalf of the Society shall in the first instance be submitted to and approved of by the Full Court and whenever a bond is sent to them for signature, it must be accompanied by a letter in Form No.10 and the Agents shall sign a reply in Form No.11.

18. Every such Society shall each year file with the Registrar a copy of the Society's annual balance-sheet duly audited, which copy shall be verified by the affidavit of the Agent or Principal Officer and be submitted by the Registrar to the Full Court.

19. The execution of administration bonds by person other than a Guarantee Society shall be attested by the Registrar or where executed outside the Court House, by the Registrar or such gazetted officer as may be nominated by the Registrar for that purpose.

20. With every certificate to be sent to a High Court, under the provisions of Section 274 of the Indian Succession Act..... or Section 24 of the Administrator-General's Act, the Registrar shall send a copy of so much of the schedule of the property and credits of the deceased as relates to the estate within the jurisdiction of such Court.

21. A grant under the Indian Succession Act.....with effect within the State of Assam may be amended, so as to extend its effect throughout India. The application shall be on Petition supported by a further affidavit of valuation in the form set out in Schedule III to the Court Fees Act with such variations as the circumstances may require, and on payment of the probate duty payable in respect thereof, and in case of grant of letters of administration with or without the will annexed, on the Petitioner giving a further bond, the grant may be amended accordingly.

22. Only the grant, and the will, if any shall be copied in the registers. Where the will is in any vernacular or foreign language, the official translation only shall be copied.

23. An exemplification or official copy under the signature of the Registrar and the seal of the Court, of a grant to entered in the register or of a will in respect of which a grant has issued may be obtained on payment of the prescribed fees.

24. Any person intending to oppose the issuing of a grant of probate or letters of administration must either personally or by his attorney file a caveat in the Registry in Form No.12. Notice of the filing of the caveat shall be given by the Registrar to the Petitioner or his attorney (Form No.13).

25. Where a caveat is entered after an application has been made for a grant or probate of letters of administration with or without the will annexed, the affidavit or affidavits in support shall be filed within eight days of the caveat being lodged, notwithstanding the long vacation. Such affidavit shall state the right and interest of the caveator, and the grounds of the objections to the application.

26. Where an application for grant of probate or letters of administration with or without the will annexed is presented after a caveat has been filed, the Registrar shall forthwith issue notice to the caveator, calling upon him to file his affidavit or affidavits in support of his caveat within eight days from the service of such notice.

27. Where the caveator fails to file any affidavit in support of his caveat in

compliance with rule 25 or in compliance with the notice issued under rule 26, the caveat may be discharged by an order to be obtained on summons.

28. Upon the affidavit in support of the caveat being filed (notice whereof shall immediately be given by the caveator to the Petitioner), the proceedings shall, by order of a Judge upon application by summons be numbered as a suit in which the Petitioner for probate or letters of administration shall be the plaintiff, and the caveator shall be the defendant, the petition for probate or letters of administration being registered as and deemed a plaint filed against the caveator, and the affidavit filed by the caveator being treated as his written statement in the suit. The procedure in such suit shall, as nearly as may be, be according to the provisions of the Code of Civil Procedure (Forms Nos. 14 and 15).

29. The party opposing a will may, with his affidavit, give notice to the party setting up the will that he merely insists upon the will being proved in solemn form of law, and only intends to cross-examine the witnesses produced in support of the will, and he shall thereupon be at liberty to do so, and shall not in any event, be liable to pay the costs of the other side, unless the Court shall be of opinion that there was no reasonable ground for opposing the will.

30. The Court may on the application of the Petitioner by summons to the caveator before making the order mentioned in rule 28, direct the trial of an issue as to the caveators interest. Where, upon the trial of such issue, it appears that the caveator has no interest, the Court shall order the caveat to be discharged, and may order the issue of probate or letters of administration, as the case may be.

31. Where the gross value of the estate as shown in the affidavit of valuation does not exceed Rs.2,000 no Court fees shall be charged, provided the Petitioner undertakes to pay to the Province of Assam or other party entitled thereto, the fees of Court in case the estate shall thereafter be found to be a greater gross value than Rs.2,000.

32. It shall be lawful for the Court on the application of the Advocate-General or of any person claiming to be entitled to the fees payable under an undertaking given in accordance with Rule 31, to call upon the executor or administrator liable under the undertaking, to pay such fees, and upon the hearing of the application to discharge the same, or to make an order absolute for the payment of such fees together with such order touching the costs the application as it shall seem fit, and every such order shall be enforceable in the same manner as any other order of Court whereby any party is directed to pay money or costs.

33. In cases not provided for by this Chapter, or by the rules or procedure laid down in the Indian Succession Act.....or the Administrator-General's Act,

or the Code of Civil Procedure, the practice and procedure of the Probate Division of the High Court of Justice in England shall be followed so far as they are applicable and not inconsistent with this Chapter and the said Acts.

34. The name, true place of abode, description and occupation, if any of the Petitioner, shall be given in the petition and of the caveator in the caveat.

35. The Registrar shall transmit through the State of Assam to the Central Government in the Home Department, quarterly, true and attested copies of all wills of which probates have been granted, and of all inventories and accounts filed by executors and administrators, and a schedule of all letters of administrations granted during the preceding three months.

36. Wherever a grant of probate or letters of administration is made and it appears, either from the application or is otherwise brought to the notice of the Court, or the Registrar, that any revenue-paying estate or share of such estate is included in the estate of the deceased in respect of which the grant is made, the Registrar shall notify the grant to the Collector of the District in which such estate or part of an estate is situated.

37. Nothing in the rules in this Chapter shall apply to application or acts to be done by the Administrator-General in so far as they conflict with the provisions of the Administrator-General's Act.

38. The Forms to which reference is made in these Rules are in the schedule attached.

SCHEDULE

FORM NO.1

(Rule 4)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Testamentary and Intestate Jurisdiction in the Goods of deceased.

CERTIFICATE OF PAYMENT OF AD VALOREM DUTY.

The ad valorem fee payable on the valuation of the property amounting to Rs.....has been paid.

Dated this.....day of19.....

Registrar.

FORM NO.2

(Rule 4)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

*Testamentary and Intestate Jurisdiction In the Goods of
deceased*

I do hereby certify that the ad valorem fee prescribed by Schedule I, clause II of the Court Fees Act, 1870, is not payable in this case, it appearing from the affidavit of valuation that the amount or value of the estate does not exceed Rupees (1,000) one thousand.

Dated this day of 19.....

Taxing Officer.

FORM NO.2-A

(Rule 4)

IN THE HIGH COURT JUDICATURE AT GAUHATI IN ASSAM

Testamentary and Intestate Jurisdiction In the Goods of deceased

CERTIFICATE THAT NO DUTY IS PAYABLE.

I do hereby certify that the ad valorem fee prescribed by Schedule I, clause II of the Court Fees Act. 1870, is not payable in this case, it appearing from the affidavit of valuation that the debts of the deceased exceed the amount ofassets.

Dated this day of 19.....

Taxing Officer.

Attorney.

FORM NO.3

(Rule 4)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Testamentary and Intestate Jurisdiction In the Goods of deceased.

CERTIFICATE THAT NO DUTY IS PAYABLE.

I do hereby certify that the ad valorem fee prescribed by Schedule I clause II of the Court Fees Act, 1870, is not payable in this case, section 19C added to the said Act by Act XIII of 1875 being applicable thereto.

Dated this day of 19.....

Attorney

Taxing Officer.

FORM NO.4

(Rule 4)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

*Testamentary and Intestate Jurisdiction**In the Goods of _____ deceased*

CERTIFICATE OF NO APPLICATION MADE TO ANY OTHER COURT FOR PROBATE
OR LETTERS OF ADMINISTRATION.

At the request of Attorney of this Court, I do hereby certify that no intimation has been received by this Court from any other High Court or any District Court of any grant of probate of any will or letters of Administration of the property and credits of the abovenamed deceased with effect throughout the whole of India.

Dated this day of 19.....

Registrar

FORM NO.5

(Rule 12)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

*Testamentary and Intestate Jurisdiction**Petition for: Probate/Letters of Administration.**In the Goods of: deceased/Petitioner*

Notice by advertisement of citation.—All persons claiming to have any interest in the estate of the abovenamed deceased are hereby cited to come and see the proceedings if they think fit before the grant of.....

Witness..... Chief Justice at Gauhati aforesaid, the..... day of in the year..... 19.....

Petitioner's Attorney

Registrar

FORM NO.6

(Rule 15)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Bond in case of intestacy.

Know all men by these presents that we.....are held and firmly bound unto the Honourable (the Chief Justice's name) Chief Justice of the High Court of Judicature at Gauhati in Assam in the sum of Rupees.....of good and lawful money to be paid, to the said Honourable (the Chief Justice's name) or the Chief Justice of the said High Court for the time being for which payment we do hereby bind ourselves and each and every of us binds himself for the whole our and each and every of our heirs, executors and administrators, unto the said Honourable (the Chief Justice's name), his successors, in office or assigns firmly by these presents. Sealed with our seals dated the.....day of.....in the year one thousand nine hundred and.....

The condition of the above written obligation is such that if the above bounden.....Administrator of the property and credits of.....deceased to make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession, or knowledge of.. .. the said.. .. or into the hands or possession of any other person or persons, for.. .. and the same to be made to exhibit or cause to be exhibited into the Registry of the said High Court at or before the day of.. .. next ensuing or within such further time as the Court may from time to time appoint; and the same estate and all other estates of the said deceased at the time of death, which at any time after, shall come to the hands or possession of the said.. .. of or any other person or persons fordo administer according to law: And further do make or cause to be made a true and just account of.. .. said administration at or before the day of which will be in the year one thousand nine hundred and.. .. or within such further time as the Court may from time to time appoint; And all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court of Judicature, shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to such residue. And if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said Court making request to have it allowed and approved accordingly if the above bounded.. .. being thereunto required, do render and deliver the letters of administration to.. .. granted (Application of such testament being first had and made) in the said Court, then this obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of.....

Registrar.

FORM NO. 7

(Rule 15)

Know all men by these presents that we.....are held and firmly bound unto the Honourable (the Chief Justice's name) Chief Justice of the High Court of Judicature at Gauhati in Assam in the sum of Rupees.....of good and lawful money to be paid to the said honourable (the Chief Justice's name) of the Chief Justice of the said High Court for the time being for which payment we do hereby bind ourselves, and each and every of us binds himself for the whole, our and each and every of our heirs, executors, and administrators, unto the said Honourable (the Chief Justice's name), his successors in office or assigns firmly by these presents. Sealed with our seals dated the.....day of.....in the year.....one thousand nine hundred and.....

The condition of the above written obligation in such that if the above bounden..... Administrator of the property and credits of deceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession or knowledge of.....the said or into the hands or possession of any other person or persons, for.....and the same so made do exhibit or cause to be exhibited into the Registry of the said High Court, at or before theday of.....next ensuing or within such further time as the Court may from time to time appoint; and the same estate, and all other estate of the said deceased at the time of death, which, at any time after, shall come to the hands or possession of the said.....or of any other person or persons for.....do administer according to law, and further do make, or cause to be made, a true and just account of.....said administration at or before theday of.....which will be in the year.....one thousand nine hundred and..... or within such further time as the Court may from time to time appoint; And all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said Court of Judicature, shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to such residue, then this obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of.....

Registrar.

FORM NO. 8

(Rule 16)

Know all men by these presents that I (or we) and we.....Society Limited carrying on business at.....through.....(and hereinafter called the society) are held and firmly bound unto the Honourable (the Chief Justice's name) Chief Justice of the High Court of Judicature at Gauhati in Assam in the sum of Rupees.....of good and lawful money to be paid to the said honourable (the Chief Justice's name) or the Chief Justice of the said High Court for the time being for which payment I (or we) the said do hereby bind myself/ourselves and each and every of us binds himself for the whole of my/our and each and every of my/our heirs, executors and administrators, and we the society for ourselves and our successors, do bind and oblige ourselves for the whole unto the Honourable (the Chief Justice's name), his successors in office or assigns firmly by these presents and we the Society do hereby submit ourselves to the Jurisdiction of the said High Court. Sealed with the seal of the said.....and also with the seal of the said Society, dated the.....day of.....in the year.....one thousand nine hundred andThe condition of the above written obligation is such that if the above bounden.

Administrator of the property and credits of deceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands possession, or knowledge of him/them the said.....or into the hands or possession of any other person or persons, for him/them and the same so made do exhibit or cause to be exhibited into the Registry of said High Court at or before the.....day of next ensuing, or within such further time as the Court may from time to time appoint: And the same estate, and all other the estate of the said deceased at the time of his/her death, which at any time after shall come to the hands or possession of the said.....or of any other person or persons for him/them do administer according to law: And further do make, or cause to be made, a true and just account of his/their said administration at or before the.....the day of.....which will be in the year one thousand nine hundred and.....or within such further time as the High Court may from time to time appoint; And all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to residue: And if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same in to the said High Court making request to have it allowed and approved accordingly, if the above

bounden.....being thereunto required, do render and deliver the letters of administration to him/them granted (approbation of such testament being first had and made) in the said High Court, then this obligation to be void and of none effect else to remain in full force and virtue.

Signed, sealed and delivered at.....in the presence of.....

Registrar.

FORM NO.9

(Rule 16)

Know all men by these presents that I (or we) and we.....Society Limited carrying on business at.....through.....(and hereinafter called the society) are held and firmly bound unto the Honourable (the Chief Justice's name) the Chief Justice of the High Court of Judicature at Gauhati in Assam in the sum of Rs.....of good and lawful money to be paid to the said Honourable (the Chief Justice's name) of the Chief Justice of the said High Court for the time being for which payment well and true and by to be made I (or we) the said.....hereby bind myself/ourselves and each and every of us binds himself for the whole my/our heirs, executors and administrators, and we the society for ourselves and our successors, do bind and oblige ourselves for the whole unto the Honourable (the Chief Justice's name, his successors in office or assigns firmly by these presents and we the society do hereby submit ourselves to the jurisdiction of the said High Court Sealed with the seal of the said..... and also with the seal of the said society, dated the.....day ofin the year one thousand nine hundred and.....

The condition of the above written obligation is such that if the above boundedAdministrator of the property and credits of.....deceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession or knowledge of him/them the said.....or into the hands or possession of any other person or persons, for him/them and the same so made to exhibit or cause to be exhibited into the Registry of the said High Court, at or before the..... day of.....next ensuing or within such further time as the said High Court may from time to time appoint: And the same estate, and all other the estate of the said deceased at the time of his/her death, which at any time after shall come to the hands or possession of the said.....or of any other person or persons for him/them to administer according to law: And further do make, or cause to be made a true and just account of his/their said administration at or before the day of.....which will be in the year

.....one thousand nine hundred and.....or within such further time as the said High Court may from time to time appoint: And all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court, shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to such residue, then this obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of.....

Yours faithfully.

Registrar.

FORM NO.10
(Rule 17)

From
The Registrar,
Assam High Court
Dated Gauhati, the of 19.....
Sir,

Letter to accompany Bond of Guarantee Society.

It is proposed that theAssurance Co. Ltd. should stand surety for the administration in the above estate to the amount of Rs. I send herewith a Bond No.....for signature.

I shall feel obliged if you will inform me whether the signatory of the bond or if more than one, then one each of the signatories is the authorised agent of theInsurance Company, for the purpose of executing the proposed bond for Rs.....as it is only on that assumption that the bond is accepted.

Yours faithfully

Registrar.

FORM NO.11

(Rule 17)

From :

To
 The Registrar,
 Assam High Court
 Gauhati, theof 19.....
 Sir,
 Reply of Guarantee Society's Agent.

We return herewith the bond No....., and in reply to your enquiry we have to state that its signature is duly authorised.

Yours faithfully,

FORM NO.12

(Rule 24)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM
Testamentary and Intestate jurisdiction.

In the matter of
 The petition of.....late of.....inhabitant deceased, Petitioner
 and
 (name, address, description and occupation) Caveator.

To
 The Registrar,
 Sir,

Let nothing be done in the matter of the estate of the above named.....late of.....deceased, who died at.....on or about the day of.....without due notice to the above named caveator.

Dated this day of... .. 19.....

Yours faithfully,

 Attorney for the Caveator.

FORM NO.13

(Rule 24)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Testamentary and Intestate Jurisdiction

Re-

deceased

Petitioner

To

Attorney for the Petitioner,

Notice of a Caveat.

Take notice that on the...day of...caveat was filed in my
office in the above petition by

Gauhati, High Court.

Yours faithfully,

Registrar's Office.....

The...day of.....19.....

Registrar.

FORM NO.14

(Rule 28)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Testamentary and Intestate jurisdiction

In the goods of.....Deceased.

To

Attorney for the Petitioner for.....in the above goods.

Sir,

Notice of affidavit in support of caveat.-Please take notice that on the.....day
of.....an affidavit in support of the caveat in the above goods was filed in the
Registrar's Office by me on behalf of (name, description and address of the
caveator) the caveator.

Yours faithfully,

(Signature)

Attorney for the Caveator.

(Date)

FORM NO.15

(Rule 28)

IN THE HIGH COURT OF JUDICATURE AT GAUHATI IN ASSAM

Testamentary Intestate Jurisdiction

In the Goods of.....Deceased

Upon reading on the part of.....of No..... in the town of.....sole executor named in the alleged last will and testament of the deceased abovenamed his petition for Probate in the above goods and the exhibits annexed thereto and marked respectively A. B. and C, (the said Exhibit A, being the alleged original English will) and an affidavit of the said.....affirmed on the.....day of.....and affidavit of.....affirmed on the.....day of.....and an.....affidavit of.....affirmed on the.....day of.....all filed on the.....day of....and an affidavit of the said.....affirmed.....and filed on the.....day of.....and, upon reading on the part of the said caveator.....his affidavit affirmed on the.....day of.....and filed on the.....day of.....and upon hearing Mr.....advocate for the said.....and Mr.....advocate for the said caveator. It is ordered that this matter be set down as a contentious cause (the said.....of No.....in the town of.....the sole executor name in the said alleged last will and testament of the deceased abovenamed being the plaintiff and of No.....in the townbeing the defendant) and it is further ordered that the said petition for the Probate filed on theday of.....be numbered and registered and be deemed as a plaint filed against the said..... and the affidavit of the said.....filed on the.....day of.....be deemed as.....his written statement. And it is further ordered that the costs of and incidental to this application be and the same are hereby reserved.

Witness, etc.

This.....day of.....19.....

Attorney.

Attorney.

Registrar.