

KAGD020005252026



**IN THE COURT OF THE ADDL, SENIOR CIVIL JUDGE & JMFC.,
GADAG**

DATED ON THIS THE 16th DAY OF JULY 2026

Present:-

**Smt. Padmashree. Ratnakar Patil,
B.A. LLB. (Spl)**

**Addl., Senior Civil Judge & JMFC.,
Gadag.**

P and S.C. No.08/2026

- Petitioner/s :**
- 1] Smt. Sumangala W/o. Mahantesh Vastrad
Age: 49 years, Occ: Household work,
R/o: #81, Arun Colony, Gokul Road,
Near Ganapati Temple Manjunath Nagar.
Hubballi. Tq Hubballi Dist: Dharwad.
 - 2] Amogh S/o. Mahantesh Vastrad
Age: 24 years, Occ: Student,
R/o: #81, Arun Colony, Gokul Road,
Near Ganapati Temple Manjunath Nagar.
Hubballi. Tq Hubballi Dist: Dharwad.
Power of attorney Holder by his
natural mother petitioner no.1 By name
Sumangala W/o. Mahantesh Vastrad

3] Amit S/o. Mahantesh Vastrad
 Age: 17 years, Occ: Student,
 R/o: #81, Arun Colony, Gokul Road,
 Near Ganapati Temple Manjunath Nagar.
 Hubballi. Tq Hubballi Dist: Dharwad.
 Minor represented by his natural mother
 Petitioner no.1 By name Sumangala
 W/o. Mahantesh Vastrad.

[Reptd. By Sri. M.B.Mattur., Advocate]

//Versus//

Respondent/s : NIL

Date of filing of suit	-	22.04.2026
Nature of suit	-	Petition for the relief of Succession Certificate
Date of commencement of recording evidence	-	15.07.2026
Date of judgment	-	16.07.2026
Total duration	-	Years Months Days
		00 03 02

**[Smt.P.R.Patil]
 Addl. Senior Civil Judge &
 JMFC., Gadag.**

JUDGMENT

The petitioners filed this petition for issuance of Succession Certificate in favour of petitioner No.1 to 3.

2. The brief facts of the case of petitioners is as under:-

It is the case of the petitioners that, the father of the petitioner no.2 and 3 and husband of petitioner no.1 by name deceased Mahantesh S/o. Irayya Vastrad died intestate on 26.09.2025 at Hubballi, leaving behind the petitioners as his legal heirs. The petitioners are the only legal heirs and successors of deceased Mahantesh S/o. Irayya Vastrad.

3. Further during the life time of the deceased Mahantesh Irayya Vastrad was a partner of M/s Vastrad Bharatgas Agencies (Distributor Code-184313) located Betageri, District Gadag operating as a distributor of Domestic and Commercial LPG under Distributorship agreement dated 01.08.2025 with Bharat Petroleum

Corporation Ltd (BPC). After his demise the petitioners being the legal heirs have approached the Bharat Petroleum Corporation Ltd Dharwad authority for Reconstitution of LPG distributorship of deceased Mahantesh S/o. Irayya Vastrad, the authority have directed the petitioners to obtain the Succession certificate from the competent Court. Therefore prayed to allow the petition.

4. After filing of this petition, the petitioners issued notice to public at large in Daily Newspaper dated 07.04.2026 of Kittur Karnataka. But, nobody filed any objection to this petition.

5. From the above said pleading following points arises for consideration:

- (1) Whether petitioners prove that, the said Mahantesh S/o. Irayya Vastrad is died on 26.09.2025 at Hubballi ?

- (2) Whether petitioner No.1 to 3 prove that, they are entitle of Succession Certificate of deceased Mahantesh S/o. Irayya Vastrad?
- (3) Whether petitioners are entitled for the relief as claimed in the plaint ?
- (4) What order or decree ?

6. The petitioners in order to prove their case, the petitioner No.1 deposed before the Court by way of affidavit as P.W.1 and he placed reliance the documents marked as Ex.P.1 to Ex. P.6 and closed his side.

7. The counsel for petitioners submitted his argument in this case.

8. My findings to the above said points is as follows:

Point No.1	:	In the Affirmative
Point No.2	:	In the Affirmative
Point No.3	:	In the Affirmative
Point No.4	:	As per the final order for the following:

REASONS

9. Point No.1:-

The petitioner no.1 is wife of deceased Mahantesh and petitioner no.2 and 3 are the children of Sri. Mahantesh S/o. Irayya Vastrad. The petitioners are the only legal heirs and successors of said Mahantesh S/o. Irayya Vastrad. The said Mahantesh was a partner of M/s Vastrad Bharatgas Agencies (Distributor Code-184313) located Betageri, District Gadag operating as a distributor of Domestic and Commercial LPG under Distributorship agreement dated 01.08.2025 with Bharat Petroleum Corporation Ltd (BPC). The petitioners further submit that, there is no other legal-heirs left behind the said deceased Mahantesh S/o. Irayya Vastrad. In order to prove this aspect the petitioner relied the documents marked as Ex.P1 to P.6. The Ex.P.1 is letter issued by the Bharat Petroleum Corporation. Ex.P2 is death certificate of Mahantesh S/o. Irayya Vastrad, it shows that the said Mahantesh expired on 26.09.2025. Ex.P.3 to 5 are

notarized copy of aadhar card of petitioner no.1 to 3. Ex.P.6 is the Kittur Karnataka daily news paper published on 07.05.2026. By producing these documents they proved that, the petitioners are only legal heirs of deceased Mahantesh S/o. Irayya Vastrad. The said oral and documentary evidence given by the PW-1 is remained unchallenged. The petitioners by producing cogent, documentary and orally evidence they proved that, deceased Mahantesh S/o. Irayya Vastrad died on 26.09.2025 and they are only the legal heirs of the said deceased person. Therefore, for these reasons and discussions, this Court held Point No.1, in the **Affirmative**.

10. **Point No.2**:- The petitioners submit that, during the lifetime of the said Mahantesh was a partner of M/s Vastrad Bharatgas Agencies (Distributor Code-184313) located Betageri, District Gadag operating as a distributorship of Domestic and Commercial LPG under Distributorship agreement dated 01.08.2025 with Bharat

Petroleum Corporation Ltd (BPC) as stated in the petition.

11. The petitioners counsel at the time of argument submits that, the petitioners intended to Reconstitute of LPG distributorship of deceased Mahantesh S/o. Irayya Vastrad. Therefore, this petitioners are required Succession Certificate. Therefore, they filed this case before this Court. After filing of this petition, the paper publication has been issued in 'Kittur Karnataka' daily Kannada Newspaper dated 07.05.2026. None of the persons, who are claiming legal heir of deceased Mahantesh S/o. Irayya Vastrad not filed any objection before this Court. Looking to these oral and documentary evidence it reveals that, petitioners are entitled for Succession Certificate of deceased Mahantesh S/o. Irayya Vastrad. The petitioners in their petition prayed that, issuance of the Succession Certificate, declaring that the petitioners are only the legal representative to the deceased Mahantesh S/o. Irayya Vastrad. As per Probate and Succession Act, this Court cannot declare that, the

petitioners are only the legal representative to the deceased Mahantesh and whereas this Court can grant succession certificate stating that, they are the successor of Mahantesh. in order to collect the debt, security and amount and they can become a partner after the death of one partner as per the agreement as stated by the petitioners in their petition. For these reasons and discussions, this Court held Point No.2 in the **Affirmative**.

12. **Point No.3:-** The reasons and discussions made in the point No.1 and 2. The petitioners are entitled for Succession Certificate of deceased Mahantesh. As per Probate and Succession Act, the petitioners are entitled for Succession Certificate of deceased Mahantesh as the reasons stated in the petition. The Point No.3 also held in favour of petitioners as **Affirmative**.

13. **Point No.4:** The answered given in Point No.1 to 3, this Court proceed to pass the following:

ORDER

The petition filed by the petitioners U/Sec.372 of Indian Succession Act is hereby allowed.

Office is directed to issue Succession Certificate in favour of petitioner No.1 to 3.

[Dictated to the Stenographer directly on computer and typed by him, the same is corrected and then pronounced by me in the open Court on this the **16th day of July, 2026**]

[Smt.P.R.Patil]
Addl. Senior Civil Judge &
JMFC., Gadag.

ANNEXURE**1. List of witnesses examined for the Petitioner/s:**

P.W.1 : Smt. Sumangala W/o. Mahantesh Vastrad

2. List of documents marked for the Petitioner/s:-

Ex. P.1 : Letter issued by the Bharat Petroleum Corporation Ltd.

Ex. P.2 : Death certificate

Ex.P.3 to 5 : Aadhar card of petitioners

Ex.P.6 : Kittur Karnataka daily news paper.

3. List of witnesses examined for the Respondent/s:

NIL

4. List of documents marked for the Respondent/s:-

NIL

**[Smt.P.R.Patil]
Addl. Senior Civil Judge &
JMFC., Gadag.**