

KABG040016502026



Presented on : 22.06.2026

Registered on : 24.06.2026

Decided on : 31.08.2026

Duration : 00 year, 02 months, 09 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

Form No.9
[Civil] Title
Sheet for
Judgment
in suits

Present : **Smt. Preeti L. Malavalli**, B.B.A. LL.B. (Hons.)
Prl. Civil Judge & JMFC, Belagavi.

Dated on this the 31st day of August-2026

ORIGINAL SUIT NO.573/2026

PLAINTIFF :

1)	Sou. Rashmi Satish Sovani, Age : 62 years, Occ : Housewife, R/o : Flat No.404 B Wing, Suvan Cresta, S.No.635/5A, Near Pushpam Gas Godown, Bibvewadi, Pune City, Pune, Maharashtra-4111037.
	(By Shri. D. G. Bhat, Adv.)

Vs.

DEFENDANTS :

1)	The Deputy Commissioner, District Court Compound, Belagavi-590001.
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2)	The Tahasildar, Risaldar Galli, Belagavi-590001.
3)	The Village Accountant, Angol, Belagavi-590006.
	(By learned D.G.P.)

Date of institution of the suit	22.06.2026						
Nature of the suit	Declaration						
Date of the commencement of recording of the Evidence	27.08.2026						
Date on which Judgment was pronounced	31.08.2026						
Total Duration	<table><tr><td><u>Year/s</u></td><td><u>Month/s</u></td><td><u>Day/s</u></td></tr><tr><td>00</td><td>02</td><td>09</td></tr></table>	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>	00	02	09
<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>					
00	02	09					

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.

JUDGMENT

This suit is filed by the plaintiff against the defendants for the relief of Declaration to declare that she is the only legal heir/ surviving family member of deceased 'Shri. Santosh Shamrao Kulkarni', who died on 08.04.2026.

2. Brief facts of the case of plaintiff in a nutshell, are as follows :

The father of plaintiff by name Shri. Shamrao Kulkarni expired on 29.08.2002 leaving behind him, his wife Smt. Snehal Shamrao Kulkarni and two children i.e., a son and daughter Santosh Shamrao Kulkarni and Rashmi i.e., present plaintiff. The mother of plaintiff Smt. Snehal Shamrao Kulkarni expired on 16.04.2025 leaving behind her, the present plaintiff and Santosh as her legal heirs. The brother of plaintiff by name Santosh Shamrao Kulkarni expired on 08.04.2026 leaving behind his sister i.e., the plaintiff as his only Class-II legal heir. The plaintiff has succeeded to the movable and immovable properties left behind by deceased Santosh. After the death of Santosh, the plaintiff approached the defendant No.2 for issuance of Surviving Family Members Certificate, but defendant No.3 Village Accountant, Angol, Belagavi issued an endorsement dated 26.05.2026 stating that the plaintiff is not directly related to the deceased person and hence defendant No.2 does not have authority to issue Surviving Family Members Certificate in favour of plaintiff. However, there are no other legal heirs to Santosh Shamrao Kulkarni except the present plaintiff. Hence, the plaintiff has filed the present suit for Declaration to declare that she is the only legal heir/surviving family member of deceased Shri. Santosh Shamrao Kulkarni.

3. The summons were served on defendants and the defendants appeared through the District Government Pleader. The learned D.G.P. filed written statement for defendant No.2 and

adopted the same as written statement of defendants No.1 and 3. In the said written statement, the defendants have denied the averments of plaint and stated that the plaintiff is not the Class-II legal heir of deceased Shri. Santosh Shamrao Kulkarni. It is further contended that there is no cause of action to file the suit and the suit is barred by limitation. That the plaintiff has filed the present suit only to grab the valuable property belonging to Shri. Santosh Shamrao Kulkarni who died on 08.04.2026. That the plaintiff has suppressed the family tree of deceased and filed false suit. The defendants have further contended that the plaintiff has not complied the provisions of Section 80 of C.P.C. and as such, the suit of plaintiff deserves to be dismissed with costs.

4. On the basis of rival pleadings, the Court framed the following issues :

ISSUES

- 1) *Whether the plaintiff proves that she is only legal heir/surviving family member of deceased 'Santosh Shamrao Kulkarni', who died on 08.04.2026 ?*
- 2) *Whether the plaintiff is entitled to the relief of declaration as sought for ?*
- 3) *What Order or Decree ?*

5. In order to prove her case, the plaintiff has got herself examined as PW-1 and got marked 9 documents at Ex. P.1 to Ex. P.9. The defendants have cross-examined PW-1, but they have neither got themselves examined before the Court nor produced any documents on their behalf.

6. Heard the arguments of learned counsel for plaintiff Shri. D. G. Bhat and learned D.G.P. appearing for defendants. Perused the pleadings, oral and documentary evidence on record.

7. My findings on the above issues are as under :

Issue No.1 : In the Affirmative.

Issue No.2 : In the Affirmative.

Issue No.3 : As per final order for the following :

REASONS

8. **Issue No.1 :** In this suit, the plaintiff has stated that she is the only legal heir/surviving family member of deceased Santosh Shamrao Kulkarni, who died on 08.04.2026. The plaintiff intends to declare her status of being legal heir/surviving family member of deceased Santosh Shamrao Kulkarni. When the plaintiff is entitled to a character or status and same is denied, then the suit for declaration U/Sec.34 of the Specific Relief Act is maintainable. Hence, this Court has jurisdiction to entertain the suit.

9. In order to substantiate her contentions, the plaintiff has produced as many as 9 documents at Ex. P.1 to Ex. P.9. Ex. P.1 is the Endorsement issued by defendant No.3. Ex. P.2 is the Death Certificate of brother of plaintiff by name Santosh Shamrao Kulkarni. Ex. P.3 is the Death Certificate of father of plaintiff by name Shamrao Shankar Kulkarni. Ex. P.4 is the Death Certificate of mother of plaintiff by name Snehal Shamrao Kulkarni. Ex. P.5 is the Surviving Family Members Certificate of mother of plaintiff by name Snehal Shamrao Kulkarni. Ex. P.6 is the Ration Card of mother of plaintiff. Ex. P.7 is the Aadhaar Card of brother of plaintiff by name Santosh Shamrao Kulkarni. Ex. P.8 is the Aadhaar Card of plaintiff. Ex. P.9 is the Kannadaprabha Kannada daily newspaper. Ex. P.9(a) is the Paper Publication published in the said newspaper.

10. Ex. P.2 Death Certificate of Santosh Shamrao Kulkarni reveals that he died on 08.04.2026. It is the case of plaintiff that she is the only legal heir/surviving family member of deceased Santosh Shamrao Kulkarni. The plaintiff has averred in the plaint that she is the sister of deceased Santosh Shamrao Kulkarni. The plaintiff has produced Death Certificates of her father and mother by name Shamrao and Snehal which are as per Ex. P.3 and Ex. P.4 and they reveal that they died on 29.08.2002 and 16.04.2025 respectively. The Death Certificate of Santosh Shamrao Kulkarni at Ex. P.2 reveals that he is the son of Shamrao Kulkarni and

Snehal and the space provided for mentioning the name of wife of deceased in the Death Certificate of Santosh, is left blank as can be seen from his Death Certificate at Ex. P.2. As such, the case of plaintiff can be believed that deceased Santosh was unmarried. Further the plaintiff has produced Surviving Family Members Certificate of her mother Snehal Shamrao Kulkarni at Ex. P.5 which reveals that the said Snehal left behind her, her son i.e., Santosh Shamrao Kulkarni and her daughter by name Rashmi Satish Sovani i.e., the present plaintiff. The marital status of Santosh Shamrao Kulkarni is shown in Ex. P.5 Surviving Family Members Certificate as 'Never Married'. Ex. P.6 the Ration Card of Snehal Shamrao Kulkarni also reveals the name of deceased Santosh Shamrao Kulkarni as son of Snehal. Hence, the aforesaid documents make it clear that Santosh Shamrao Kulkarni is brother of present plaintiff and he was unmarried.

11. The plaintiff has also taken paper publication in a newspaper namely Kannadaprabha which is as per Ex. P.9(a) and the plaintiff has called for objection if any of the public at large to the claim of the plaintiff in the present suit. But however, none appeared to object the claim of plaintiff. As such, it can be inferred that there are no other legal heirs of deceased Santosh Shamrao Kulkarni.

12. The plaintiff got herself examined as PW-1 and reiterated the averments of the plaint in the course of her examination-in-chief. During the course of her cross-examination, PW-1 has stated that Santosh Shamrao Kulkarni is her brother and there are no other siblings to them. She has further deposed that her father and mother have expired and she married one Satish Sovani in the year 1989. PW-1 has further deposed that Santosh was unemployed and hence he remained unmarried. She denied the suggestion put to her that as she resides in Maharashtra with her husband, she does not have personal knowledge about the place where Santosh was staying. She has further deposed that Santosh was residing with their mother who expired last year. She also denied the suggestion put to her that since the plaintiff is not related to the deceased Santosh, her application for issuance of Surviving Family Members Certificate came to be rejected by the defendant No.3. She also denied the suggestion put to her that though she is not legal heir of deceased Santosh, she has filed false case only with an intention to gulp the property belonging to deceased Santosh. Except few suggestions to PW-1, the defendants have not done anything in order to disprove the case of the plaintiff or to prove their contentions before the Court. It is well settled principle of law that mere suggestions to witness do not take the place of proof of any contention.

13. The plaintiff is governed by Hindu Law and the law regarding succession among Hindus is Hindu Succession Act, 1956. The schedule to the said Act speaks about two categories of legal heirs i.e., Class-I and Class-II legal heirs. The plaintiff being the sister of late Santosh Shamrao Kulkarni she comes under second entry of Class-II legal heirs, as per the Schedule to Hindu Succession Act which describes Class-II legal heirs. Further, Section 7 of Hindu Succession Act, 1956, makes it clear that the order of succession among the heirs in the said Schedule is such that those in given entry shall be preferred to those in the next entry. As such, the plaintiff falls under second entry of Class-II legal heirs specified in the Schedule and she becomes the Class-II legal heir of deceased Santosh Shamrao Kulkarni.

14. The plaintiff has sought for declaration of her status as legal heir/surviving family member of deceased Santosh Shamrao Kulkarni. The plaintiff has proved that she is the legal heir/surviving family member of deceased Santosh Shamrao Kulkarni. Hence, I answer **Issue No.1 in the Affirmative.**

15. Issue No.2 : Since the plaintiff has produced cogent and reliable evidence to show that she is the only legal heir/surviving family member of deceased Santosh Shamrao Kulkarni as his Class-II legal heir as per Hindu Succession Act, she is entitled to

the relief of declaration. Accordingly, I answer **Issue No.2 in the Affirmative.**

16. Issue No.3 : In view of the discussion and findings on Issue No.1 and 2, this Court proceeds to pass the following :

ORDER

The suit of the plaintiff against the defendants is hereby decreed as follows :

The plaintiff is declared as Class-II legal heir of deceased 'Santosh Shamrao Kulkarni'.

Considering the nature of the suit and the relief claimed, the parties are directed to bear their own costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by her, edited & corrected by me & then pronounced in the Open Court on this the 31st day of August-2026.)

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.

ANNEXURE

- 1. List of witnesses examined by the plaintiff :**
PW-1 : Smt. Rashmi W/o. Satish Sovani.
- 2. List of documents got marked by the plaintiff :**
Ex. P.1 : Endorsement issued by defendant No.3.
Ex. P.1 : Death Certificate of brother of plaintiff
by name Santosh Shamrao Kulkarni.
Ex. P.3 : Death Certificate of father of plaintiff
by name Shamrao Shankar Kulkarni.
Ex. P.4 : Death Certificate of mother of plaintiff
by name Snehal Shamrao Kulkarni.
Ex. P.5 : Surviving Family Members Certificate
of mother of plaintiff by name
Snehal Shamrao Kulkarni.
Ex. P.6 : Ration Card of mother of plaintiff.
Ex. P.7 : Aadhaar Card of brother of plaintiff
by name Santosh Shamrao Kulkarni.
Ex. P.8 : Aadhaar Card of plaintiff.
Ex. P.9 : Kannadaprabha Kannada daily newspaper.
Ex. P.9(a) : Paper Publication published in Ex. P.9.
- 3. List of witnesses examined by the defendants :**
-Nil-
- 4. List of documents got marked by the defendants :**
-Nil-

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.