

KABG040012702026



Presented on : 16.04.2026

Registered on : 30.04.2026

Decided on : 24.07.2026

Duration : 00 year, 03 months, 08 days

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

Form No.9
[Civil]
Title
Sheet for
Judgment

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

Dated on this the 24th day of July-2026

ORIGINAL SUIT NO.434/2026

PLAINTIFFS :

1)	Smt. Maryshaila W/o. Gabriel Veigas, Age : 48 years, Occ : Pvt. Service, R/o : H.No.257/4 Sarswati Road, Shahapur, Belagavi, Adhar No.7592 1820 3396.
2)	Smt. Jennifer D/o. Godwin Sappadla W/o. Sadanand Kuri, Age : 46 years, Occ : Service, R/o : #2132 Arogya Colony, Basava Colony Extension, Belagavi, Adhar No.5767 6534 8874.
3)	Shri. Martin S/o. Godwin Soans, Age : 44 years, Occ : Pvt. Service, R/o : H.No.A/177, Indal Nagar, Shindolli, Belagavi, Adhar No.4259 7976 0244.

4)	Shri. Shyamsundar S/o. Adivappa Pujar, Age : 68 years, Occ : Retired, R/o : H.No.4450/3 Chavat Galli, Belagavi. Adhar No.7334 5340 7494.
	(By Shri. P. V. Sambargi, Adv.)

Vs.

DEFENDANTS :

1)	The State of Karnataka, Represented by Deputy Commissioner, Belagavi.
2)	The Tahashildar, Belagavi.
3)	The Deputy Tahashildar, Belagavi.
	(By Learned A.G.P.)

Date of institution of the suit	16.04.2026
Nature of the suit	Declaration
Date of the commencement of recording of the Evidence	14.07.2026
Date on which Judgment was pronounced	24.07.2026
Total Duration	<u>Year/s</u> <u>Month/s</u> <u>Day/s</u> 00 03 08

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

JUDGMENT

This suit is filed by the plaintiffs under the provisions of Indian Succession Act, 1925 against the defendants for the relief of Declaration to declare them as the only successors/Class-II legal heirs to deceased 'Devadas S/o. Adivappa Pujar', who died on 23.08.2025.

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

The plaintiffs are the niece, nephew and brother of deceased Devadas S/o. Adivappa Pujar, who died on 23.08.2025 at Mahantesh Nagar, Belagavi. The deceased was serving in private sector and he died unmarried leaving behind him, the plaintiffs as his surviving legal heirs. The plaintiffs No.1 to 3 are the legal heirs of deceased Smt. Sarojani W/o. Godwin Sappadla who was the elder sister of deceased Devadas S/o. Adivappa Pujar, who died on 29.12.2024. The plaintiff No.4 is the brother of deceased Devadas S/o. Adivappa Pujar and the father and mother of deceased Devadas S/o. Adivappa Pujar have also expired long back. The plaintiffs are the only surviving Class-II legal heirs of deceased Devadas S/o. Adivappa Pujar and except the plaintiffs, there are no other surviving legal heirs to said Devadas and as such the plaintiffs are entitled to receive the benefits of deceased Devadas S/o. Adivappa Pujar. The

deceased has not executed any Will during his lifetime. Hence, the present suit has been filed by the plaintiffs seeking the relief of Declaration that they are the only successors/Class-II legal heirs of deceased 'Devadas S/o. Adivappa Pujar'.

3. The summons were served on defendants and they 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 plaintiffs are not the successors/Class-II legal heirs of deceased Devadas S/o. Adivappa Pujar. That the suit is not maintainable and there is no cause of action to file the suit. They have further contended that the suit is barred by limitation and it is also hit by the principle of mis-joinder of party. That the plaintiffs have not complied the mandatory provisions of Section 80 of C.P.C. That a false suit is filed with an intention to grab the property of late Devadas S/o. Adivappa Pujar. On these grounds, the defendants have prayed to dismiss the suit with costs.

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

ISSUES

- 1) Whether the plaintiffs prove that they are the only Class-II legal heirs of deceased 'Devadas S/o. Adivappa Pujar', who died on 23.08.2025 ?*
- 2) Whether the plaintiffs are entitled to the relief of declaration as sought for ?*
- 3) What Order or Decree ?*

5. In order to prove their case, the plaintiff No.3 got himself examined as PW-1 and got marked 10 documents at Ex. P.1 to Ex. P.10. 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 plaintiffs Shri. P. V. Sambargi 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 plaintiffs have stated that they are the only successors/Class-II legal heirs of deceased Devadas S/o. Adivappa Pujar, who died on 23.08.2025. The plaintiffs intend to declare their status of being successors/Class-II legal heirs of deceased Devadas S/o. Adivappa Pujar. When the plaintiffs are 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 their contentions, the plaintiffs have produced as many as 10 documents at Ex. P.1 to Ex. P.10. Ex. P.1 is the Endorsement issued by defendant No.3. Ex. P.2 is the Death Certificate of Devadas S/o. Adivappa Pujar. Ex. P.3 is the Death Certificate of Sarojani Sappadla. Ex. P.4 is the Surviving Family Members Certificate of deceased Sarojani Sappadla. Ex. P.5 is the certified copy of Ruled Card pertaining to CTS No.7645. Ex. P.6 and Ex. P.7 are the Aadhaar Cards of plaintiffs No.1 and 2. Ex. P.8 and Ex. P.9 are the Aadhaar Cards of plaintiffs No.3 and 4. Ex. P.10 is the Kannadaprabha Kannada daily Newspaper and Ex. P.10(a) is the relevant portion of paper publication in Ex. P.10.

10. Ex. P.2 Death Certificate of Devadas S/o. Adivappa Pujar reveals that he died on 23.08.2025. Ex. P.3 Death Certificate of Sarojani Sappadla i.e., the sister of deceased Devadas S/o. Adivappa Pujar reveals that she died on 29.12.2024. The said Death Certificates reveal that Devadas and Sarojani are son and daughter of Adivappa Pujar and Basavani Pujar. The plaintiffs have also produced the Surviving Family Members Certificate of Sarojani Sappadla at Ex. P.4 which reveals that plaintiffs No.1 and 2 are the daughters and plaintiff No.3 is the son of deceased Sarojani Sappadla. The plaintiffs have produced Aadhaar Card of plaintiff No.4 which reveals that he is also son of Adivappa Pujar. As such, the said documents clearly reveal the relationship between the plaintiffs and deceased Devadas S/o. Adivappa Pujar i.e., the plaintiffs No.1 to 3 are niece and nephew of Devadas and plaintiff No.4 is the brother of deceased Devadas S/o. Adivappa Pujar. Hence, the plaintiffs have established their relationship with deceased Devadas S/o. Adivappa Pujar.

11. The plaintiffs have also taken paper publication in Kannadaprabha Kannada daily newspaper dated 25.06.2026 calling for objection of public at large to the claim of plaintiffs, but however none appeared to object the claim of plaintiffs.

12. The plaintiff No.3 got himself examined as PW-1 and he reiterated the averments of plaint in the affidavit filed in lieu of his examination-in-chief. He was cross-examined by learned D.G.P. appearing for defendants. During the course of his cross-examination, he has deposed that the deceased Devadas Adiveppa Pujar is the brother of his mother and that the present suit is filed for the purpose of obtaining surviving family members certificate. He has further deposed that Devadas is the son of Basavani and Adiveppa Pujar and they have expired long back. He has also deposed that the deceased Devadas was aged about 65 years at the time of his death and he was unmarried. Even the death certificate at Ex. P.1 reveals that the name of wife of deceased Devadas is not mentioned in his death certificate, which means he was unmarried. No doubt, PW-1 has admitted that the present suit is filed in order to get the names of plaintiffs entered in the records pertaining to the property belonging to deceased Devadas. But in support of their case, the plaintiffs have also produced certified copy of Ruled Card pertaining to CTS No.7645 which reveals that the name of deceased Devadas is mentioned along with the name of his brother Shyamsundar and the name of his sister Sarojani. Though PW-1 has admitted the suggestion put to him that the Tahasildar has rejected their application filed seeking surviving family members certificate of deceased Devadas on the ground that the plaintiffs are not legal

heirs of deceased, PW-1 has clearly denied the suggestion put to him that the plaintiffs are not legal heirs of deceased Devadas and that a false case is filed against the defendants by creating all records. Except the said suggestions, the defendants have not done anything in order to disprove the case of plaintiffs. It is well settled principle of law that mere suggestions to witness during his cross-examination do not take the place of proof of any contention. The documents produced by plaintiffs establish their relationship with deceased Devadas S/o. Adivappa Pujar.

13. The plaintiffs have filed the present suit under the provisions of Section 5 of Indian Succession Act, 1925 and the plaintiffs belong to Christian community and hence they are governed by the provisions of Indian Succession Act, 1925. According to said Act, Part-V which governs the provisions relating to intestate succession, describe the categories of heirs of the deceased person. In the present case as the deceased Devadas was unmarried, he has not left behind his widow and lineal descendants like child, grandchild, great grandchildren and also his father and mother are not alive. In such case, Section 47 of Indian Succession Act comes into play, which says that where the intestate has left neither lineal descendant, nor father, nor mother, the property shall be divided equally between his brothers and sisters and the child or children of such of them as may have died before him, such children (if more than one) taking

in equal shares only the shares which their respective parents would have taken if living at the intestate's death. Hence in the present suit also, the plaintiff No.4 being brother of deceased Devadas and plaintiffs No.1 to 3 being the children of predeceased sister of deceased Devadas, become the legal heirs of deceased Devadas S/o. Adivappa Pujar and the plaintiffs No.1 to 3 would take one share together which their mother Sarojani would have taken if living at the intestate's death. Therefore, the plaintiffs are the legal heirs of deceased Devadas S/o. Adivappa Pujar as per the aforesaid provision for the purpose of intestate succession. Hence, I answer **Issue No.1 in the Affirmative.**

14. Issue No.2 : Since the plaintiffs have produced cogent and reliable evidence to show that they are the successors/legal heirs of deceased 'Devadas S/o. Adivappa Pujar' as per Indian Succession Act, they are entitled to the relief of declaration. Accordingly, I answer **Issue No.2 in the Affirmative.**

15. 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 plaintiffs against the defendants is hereby decreed as follows :

The plaintiffs are declared as successors/legal heirs of deceased 'Devadas S/o. Adivappa Pujar'.

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 24th day of July-2026.)

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

ANNEXURE

1. List of witnesses examined by the plaintiffs :

PW-1 : Martin S/o. Godwin Soans.

2. List of documents got marked by the plaintiffs :

Ex. P.1 : Endorsement issued by defendant No.3.

Ex. P.2 : Death Certificate of Devadas
S/o. Adivappa Pujar.

Ex. P.3 : Death Certificate of Sarojani Sappadla.

Ex. P.4 : Surviving Family Members Certificate
of deceased Sarojani Sappadla.

- Ex. P.5 : Certified copy of Ruled Card pertaining to CTS No.7645.
- Ex. P.6 : Aadhaar Card of plaintiff No.1.
- Ex. P.7 : Aadhaar Card of plaintiff No.2.
- Ex. P.8 : Aadhaar Card of plaintiff No.3.
- Ex. P.9 : Aadhaar Card of plaintiff No.4.
- Ex. P.10 : Kannadaprabha Kannada daily Newspaper.
- Ex. P.10(a) : Relevant portion of paper publication in Ex. P.10.

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.