

KABG800023032025



IN THE COURT OF CIVIL JUDGE AND JMFC, KITTUR

DATED THIS THE 30TH DAY OF JUNE, 2026

:: PRESENT ::

SRI. MAHAMMADALI NAYAK,
B.B.A., LL.B.(Hons.)
Civil Judge & JMFC, Kittur.

OS. No.182/2025

1. Sri Shekhaayya S/o Rachayya Kattimath,
Age: 71 years, Occ: Agriculture,
R/o: Ch. Kittur, Tq: Ch. Kittur,
Dist: Belagavi.
2. Smt. Shivaleela W/o Irayya Hiremath,
Age: 45 years, Occ: Household work,
R/o: Ramapur, Tq: Savadatti,
Dist: Belagavi.
3. Sri Umesh S/o Shekhaayya Kattimath,
Age: 40 years, Occ: Agriculture,
R/o: Ch. Kittur, Tq: Ch. Kittur,
Dist: Belagavi.
4. Sri Mahesh S/o Shekhaayya Kattimath,
Age: 34 years, Occ: Agriculture,
R/o: Ch. Kittur, Tq: Ch. Kittur,
Dist: Belagavi.

.....Plaintiffs

(By Sri M.S. S., Advocate)

V/s.

1. The Deputy Commissioner,
Belagavi, Dist: Belagavi,
Tq: & Dist: Belagavi
2. The Tahasildar, Kittur,
Tq: Kittur, Dist: Belagavi.
3. The Deputy Tahasildar,
Kittur, Tq: Kittur,
Dist: Belagavi.

.....Defendants

(By AGP)

* * * * *

Date of institution of suit : 12.12.2025

Nature of the suit : Declaration and Mandatory
Injunction

Evidence commenced on : 10.04.2026

Evidence closed on : 10.04.2026

Judgment pronounced on : 30.06.2026

Total Duration	: Year	Months	Days
	00	06	08

* * * * *

-:: JUDGMENT ::-

The plaintiffs have filed the present suit seeking the relief of declaration to declare that they are the legal heirs of deceased **Sri.Ramesh S/o Shekhayya Kattimath.**

2. The brief facts of the plaintiff case is that:-

That, Sri. Ramesh S/o Shekhyaya Kattimath died on 01.06.2025 at Kittur, unmarried and without any children. His mother had already passed away on 07.07.2023. The plaintiffs, being the father, sister, and brothers of the deceased, claim to be his only surviving legal heirs. Since the deceased owned three two-wheelers and three goods vehicles registered in his name, the plaintiffs sought a Varasa (Legal Heirship) Certificate to facilitate transfer of the vehicles and mutation of records. Their application for the certificate was not acted upon, and an endorsement was issued directing them to approach the competent authority. Consequently, the plaintiffs have filed the present suit seeking declaration of their legal heirship and issuance of the necessary certificate.

- 3.** In pursuance of suit summons, the defendants have appeared before this Court through the learned AGP and defendant No.3 has filed the written statement. The

defendant No.1 and 2 have adopted the written statement filed by the defendant No.3. In the written statement, the defendants No.1 to 3 have denied the entire averments made under the plaint formally and specifically contended that, they are not aware of the relationship between the plaintiffs and deceased and suit is filed with an ill-motive to grab the properties of the deceased. Hence, prayed to dismiss the suit.

4. Based on the above pleadings, this Court has framed the following issues:-

ISSUES

1. Whether the plaintiffs prove that, they are the class-II legal heirs of deceased Shri. Ramesh S/o Shekhayya Kattimath ?
2. Whether plaintiffs are entitled for reliefs claimed?
3. What order or decree?
5. In order to prove the case of plaintiffs, the plaintiff No.4 himself got examined as PW-1 and got marked as

many as 16 as Ex.P.1 to 16. L/AGP has fully cross-examined the PW-1 On the other hand, the defendants have not adduced any evidence.

6. Heard on both side.

7. Answer of this Court to 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. **Issues No.1 & 2:-** These issues are inter connected with each other and they are taken up together for common discussion in order to avoid repetition of facts and brevity.

9. It is specific case of the plaintiffs that they are the legal heirs of deceased Ramesh S/o Shekhyaya Kattimath who died issueless and leaving behind his brothers, sister and father. The burden is always upon the plaintiffs to prove that they are the legal heirs/class-II heirs of the deceased.

10. In order to prove the same, the plaintiffs have relied upon 16 documents and oral evidence. The defendants No.1 to 3 have also cross examined the witnesses at length.

11. Before parting with the appreciation of evidences adduced by the parties, it is relevant to note the concept of class-I and class-II heirs as enumerated under the provisions of Hindu Succession Act. Under the Hindu Succession Act, 1956, when a Hindu male dies intestate (without a will), his property first devolves upon Class-I heirs, who include close relatives such as the widow, son, daughter, mother, and certain descendants of predeceased children. All Class-I heirs inherit simultaneously and generally in equal shares, excluding all other heirs. Class-II heirs inherit only when no Class-I heir exists. They are arranged in a hierarchy of entries, with heirs in an earlier entry (such as the father) completely excluding those in later entries (such as brothers, sisters, grandparents, and other relatives). Thus, the Act gives priority to the nearest family

members through Class-I succession and resorts to Class-II heirs only in their absence.

12. In this background, let me appreciate oral and documentary evidences adduced by the plaintiffs. According to the plaintiffs, the deceased Ramesh S/o Shekhyaya Kattimath died leaving behind brothers, sisters and his father. The mother of plaintiffs is also died long back which is evident from Ex.P.12. In so far as relationship between the parties is concerned, neither the defendants nor the general public who invited through paper publication have not disputed. Therefore, the documents clearly establishes that the relationship of the plaintiffs with a deceased person. The learned AGP has formally contested the case and cross examined the witnesses. Nothing has been elicited from the mouth of PW-1 to demolish the case of the plaintiffs.

13. The suit is one filed for the relief of declaration, normally, the suit shall be filed within 03 years from the date when the Civil rights of the plaintiffs are denied as

per Ex.P.1 endorsement issued on 29.07.2025. The present suit is filed in the year 2025. The plaintiffs have issued notices to the defendants No.1 to 3 for issuance of legal heir certificates which has been not answered by the defendants No.1 to 3. From the date of denial of Civil rights of the plaintiffs, the suit shall be presented within 03 years. The suit of the plaintiffs is well within the time. The contention of the defendants No.1 to 3 is unsustainable under law.

14. Whenever there is denial of Civil rights, as per Section 34 of Specific Relief Act, the suit before the competent Court is maintainable. The defendants No.1 to 3 have casually and formally denied the jurisdiction of this Court to try the matter. The defendants No.1 to 3 have not specifically contended about the jurisdiction of this Court. As such there is no material on record to show that the suit is not maintainable. As such, the plaintiffs legal heirs of the deceased person and they are entitle for the legal heir certificate from the defendants No.1 to 3. Hence, in touchstones of the reasons assigned

above, this Court answer **Issues No.1 and 2 in the affirmative.**

15. Issue No.3:- In view of aforesaid discussions & reasons, this Court proceed to pass the following;

ORDER

Suit of the plaintiffs is hereby decreed.

The plaintiffs are hereby declared as Class-II legal heirs of deceased Ramesh S/o Shekhayya Kattimath.

Directed by means of mandatory injunction to the defendant No.2 for issuance of legal heir certificate considering that the plaintiffs are the legal heirs of deceased Ramesh S/o Shekhayya Kattimath by collecting necessary fees.

Looking into the nature of the suit, there is no order as to costs.

Interlocutory Applications if any pending for consideration shall stand disposed off accordingly.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, corrected, signed and pronounced by me in the open Court on this day of 30th June 2026)

(Mahammadali Nayak)
**Civil Judge and JMFC,
Kittur**

:: ANNEXURE ::

LIST OF WITNESSES EXAMINED FOR THE PLAINTIFF/S :

PW-1 : Sri Mahesh S/o Shekhayya Kattimath

LIST OF DOCUMENTS MARKED FOR THE PLAINTIFF/S :

Ex.P.1 : Endorsement issued by Tahasildar Kittur
Ex.P.2 : Office copy of legal notice
Ex.P.3 to 9 : Postal receipts and acknowledgment
Ex.P.10 : Paper publication
Ex.P.11 : Death certificate of Ramesh Kattimath
Ex.P.12 : Death certificate of Sumitra Kattimath
Ex.P.13 : Notarized copy of Aadhar card of Shekhayya
Kattimath
Ex.P.14 : Notarized copy of Aadhar card of Shivaleela
Irayya Hiremath

Ex.P.15 : Notarized copy of Aadhar card of Ramesh S.
Kattimath

Ex.P.16 : Notarized copy of Aadhar card of Mahesh S.
Kattimath

LIST OF WITNESSES EXAMINED FOR THE DEFENDANT/S :-

---Nil---

LIST OF DOCUMENTS MARKED FOR THE DEFENDANT/S :-

---Nil---

(Mahammadali Nayak)
Civil Judge and JMFC,
Kittur