

**IN THE COURT OF II ADDL.DISTRICT AND SESSIONS
JUDGE, BANGALORE RURAL DISTRICT, BANGALORE.**

DATED THIS THE 28th DAY OF APRIL 2026

Present: Shri.K.Guruprasad,B.A., LL.B
II Addl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

:: P & SC No. 84/2024 ::

PETITIONER: Gowramma,
W/o. late Marappa,
Aged about 68 years,
R/at No. 21/1B, BMP No. 68,
2nd Street Dinnur Colony,
Kadugodi Palanation,
Kadugodi, Bengaluru Taluk,
Bengaluru – 560 067.

(By counsel – Sri.N.V.N, Adv)

RESPONDENTS :1. Shobha.M,
D/o. late Marappa,
W/o. Lakshmaiah,
Aged about 47 years,
2. Arun Kumar.M,
S/o. late Marappa,
Aged about 43 years,
3. Ashok Kumar.M,
S/o. late Marappa,
Aged about 39 years,

All are R/at No. 21/1B,
BMP No. 68,
2nd Street, Dinnur Colony,
Kadugodi Palanation,
Kadugodi, Bengaluru Taluk,
Bengaluru – 560 067.

(By counsel – Sri.SKGE, Adv)

ORDER

The petitioner has filed this petition U/Sec.278 of Indian Succession Act 1925 for grant of letter of administration with respect to the petition schedule property in view of execution of Will dated 21.12.2010 by late Sri. Marappa S/o. late Puttamuniyappa, in her favour.

2. Brief facts of the case are that the petitioner is the wife of one late Marappa S/o. Late Puttamuniyappa who died on 01.11.2013. The petition schedule land is a residential property bearing site No. 14, Katha NO. 15 measuring East to West 40 feet and North to South 50 feet, totally measuring 2000 sq.ft situated at Dinnur colony, Kadugodi Plantation, Bangalore which was acquired by the said Marappa through partition deed dated 15.11.1989. During his life time, he was enjoying the same by paying tax to the concerned Authority. The husband of the petitioner Marappa constructed a RCC sheet house therein. It is further submitted that out of the wedlock of said Marappa and the petitioner, three children i.e., the respondent No.1 to 3 are born. The said Marappa has executed a Will dated 21.12.2010 in favour of the petitioner out of his own will, love and affection before the witnesses. The said Will has become the final will and except the will dated 21.12.2010, he has not executed any other will. After the death of testator, the propounder of the Will i.e., the petitioner is entitled for katha of the petition schedule land transferred into her name. Hence the

petitioner needs letter of Administration certificate. Hence this petition.

3. After filing of petition, public notice was issued in a daily newspaper 'Kannada Prabha' dated 14.01.2025 as per Ex.P7. The respondent No.1 to 3 have appeared before the court through counsel and filed written statement admitting all the petition averments including execution and attestation of the Will in favour of petitioner and they have submitted they have no objection for allowing the petition and for granting letter of Administration in favour of the petitioner and requested the court to pass appropriate orders.

4. In order to prove her case, the petitioner got herself examined as PW.1 and got marked Ex.P1 to Ex.P11. The petitioner has also examined PW2 and 3 who are the attesting witnesses to the Will.

5. The counsel for petitioner filed written arguments. Heard learned counsel for the petitioner and counsel for respondents and perused the petition averments, evidence on record, written arguments and materials available on record.

6. The following points would arise for my consideration.

- 1) Whether the petitioner proves the Will dated 21.12.2010 by deceased Marappa in her favour, in accordance with Section 68 of Evidence Act?
- 2) Whether the petitioner is entitled for letter of

- administration as claimed in the petition?
- 3) What order?
7. My finding to the above points are as under :
- Point No.1 & 2 : In the Affirmative;
- Point No.2 : As per final order for the following:

REASONS

8. **POINT NO.1:** As per Section 68 of Evidence Act i) the propounder of the Will has to prove that the Will was signed by the testator in the presence of two attesting witnesses; ii) the attesting witnesses should have seen the testator sign the Will or else, the attesting witnesses should depose that they were been told by the testator that the Will is that of the testator and it is the testator who has signed the Will; and iii) it is not necessary that both or all the attesting witnesses to the Will must be examined to prove the Will, rather, at least one attesting witness should be called to prove the due execution of the Will. The propounder of the Will must also satisfy the court that the testator signed the Will in sound disposing state of mind and body. If there are any suspicious circumstances, the propounder of the Will has to remove such suspicions.

9. In order to seek Letter of Administration, the petitioner has produced and got marked Ex.P1 original unregistered Will. It is clear from Ex.P1 that the deceased Marappa S/o. Puttamuniyappa signed and executed said Will in the presence of two attesting witnesses namely Nagendrappa

(PW.2) and Chandrappa (PW. 3) on 21.12.2020. It is further clear from the said Will that he is bequeathing the petition schedule property in favour of his wife i.e., the petitioner as his children i.e., respondent No.1 to 3 were married and well settled in life. It is further clear from the Will that since he is aged, he is making the said Will to avoid possible dissensions or misunderstanding regarding petition schedule property.

10. In order to prove Ex.P1 Will, the petitioner has examined the attesting witnesses to the Will namely PW. 2 and PW. 3. They have deposed that the deceased Marappa being their neighbourers approached them on 21.12.2010 and requested them to attest as witnesses on the Will executed by him in favour of his wife i.e., Gowramma in respect of the petition schedule property. PW. 2 and 3 have identified signature of the deceased Marappa on the Will at Ex.P1(a). They have also identified their signatures on the Will at Ex.P1(b) and Ex.P1(c) respectively. They have deposed that they were present when the deceased Marappa signed and executed the said Will and that they signed on the said Will in the presence of deceased Marappa. On careful perusal of evidence of PW. 2 and PW. 3, it is clear that their evidence is natural, probable and reliable. The respondents have not cross examined PW. 2 and PW. 3 in this case. There is also no inherent infirmities in the evidence of PW. 2 and PW. 3. Since PW. 2 and PW. 3 are neighbourers of the deceased, it is natural that the deceased called them to act as attesting witnesses to his Will. There is no reason to disbelieve

evidence of PW. 2 and PW.3. Thus, evidence of PW. 2 and PW. 3 is sufficient and reliable to prove execution and attestation of Ex.P1 Will in accordance with Section 68 of Evidence Act.

11. Further, the petitioner has produced Ex.P2 death certificate of deceased Marappa which shows that he died on 01.11.2013 in petition schedule property. Ex.P3 and Ex.P4 are the copies of Aadhar card and Election Identity card of petitioner. Ex.P5 are the electricity bills in respect of the petition schedule property. Ex.P6 is property tax receipts of the petition schedule property. Ex.P8 and 9 are the houses and land register extract for the years 2007-08 and 2023-24. Ex.P10 and 11 are the certificates issued by the BBMP.

12. In view of my above discussion, I am of the considered view that the petitioner has proved that her husband deceased Marappa executed Ex.P1 Will in favour of the petitioner. While the Will was executed in the year 2010, the deceased Marappa died in the year 2013. The very fact that the deceased lived for nearly two years after execution of Ex.P1, prima facie shows that he was in sound disposing state of mind and body. Since the petitioner is none other than the wife of deceased, but it is natural that the said Marappa bequeathed the schedule property in favour of the petitioner. No doubt, the respondent No.1 to 3 who are children of deceased Marappa have been excluded in Ex.P1 Will but reason for such exclusion is specifically disclosed in the Will itself stating that the children are married and well settled in life. Moreover, the respondent

No.1 to 3 have not challenged and denied the execution and attestation of the Will and submitted no objection for grant of letter of administration in this case. Therefore there are no suspicions surrounding the execution of Ex.P1 Will. Hence the petitioner has proved Ex.P1 Will in accordance with law. Accordingly, I answer Point No.1 in the Affirmative.

13. **POINT No.2:** Section 232 of Indian Succession Act, 1925 provides that the letter of administration can be issued if the deceased has made a Will, but has not appointed an executor. The relief sought in the petition is covered under Section 232 read with 290 of Indian Succession Act. Section 232 provides that legatee is entitled for letter of administration. The petitioner is the legatee under Ex.P1. The respondent No.1 to 3 who are the legal heirs of deceased Marappa, have appeared before the court and submitted no objections for grant of letter of administration. In spite of paper publication/ citation, no other interested persons appeared to contest this petition. In view of the aforesaid reasons, this court is of the view that the petitioner is entitled for letter of administration. Hence, point No.2 is answered in the Affirmative.

14. **POINT NO.3:** For the reasons discussed above, I proceed to pass the following:

ORDER

The petition filed by the petitioner is hereby allowed and the petitioner is granted Letter of

Administration with Will annexed, in respect of the petition schedule property as set out in WILL – Ex.P.1.

Office is directed to issue Letter of Administration to the petitioner under the seal of this Court in the form set forth in Schedule-VII of Indian Succession Act, 1925, after collecting necessary court fee as per law.

(Dictated to the Stenographer directly on system, typed by her, then corrected and pronounced by me in open court, this the 28th day of April 2026)

(K.GURUPRASAD)
II Addl.District & Sessions Judge,
Bengaluru Rural District,Bengaluru.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PETITIONERS:

PW1 : Gowramma

PW2 : Nagendrappa

PW.3: Chandrappa

LIST OF DOCUMENTS MARKED FOR THE PETITIONERS:

Ex.P.1 : Original Will dated 21.12.2010

Ex.P2 : Death certificate of deceased Marappa

Ex.P3 : Aadhar card of petitioner

Ex.P4 : Election Identity card of petitioner

Ex.P5 : Electricity bills

Ex.P6 : Property tax receipts

Ex.P8 & 9 : Houses and land register extracts

Ex.P10 & 11: Certificates issued by the BBMP.

LIST OF WITNESSES EXAMINED FOR THE RESPONDENTS:

NIL

LIST OF DOCUMENTS MARKED FOR THE RESPONDENTS:

NIL

(K.GURUPRASAD)
II Addl.District & Sessions Judge,
Bengaluru Rural District,Bengaluru.

Order pronounced in open court vide Separate detailed order:-

ORDER

(K.GURUPRASAD)
II Addl.District & Sessions Judge,
Bengaluru Rural District,Bengaluru.