

KACD010001152026



Presented on : 09-01-2026
Registered on : 09-01-2026
Decided on : 19-06-2026
Duration : 05 Months, 10 days.

IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA

Present :- SRI. VEERANNA SOMASEKHARA
B.Com., LLB (Spl.)
1st Addl. Dist & Sessions Judge,
Chitradurga

Dated this 19th day of June 2026

P & S.C. No.06/2026

Petitioner:- S. Thippeswamy S/o Sanna Obaiah, Aged about
43 years, Occ: Agriculturist, R/o Shanthi Nagara,
Hosahalli Village, Thalaku Hobli, Challakere
Taluk, Chitradurga District.

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

/Vs/

Respondent:- Nil

**ORDERS ON PETITION U/SEC.276 OF INDIAN SUCCESSION
ACT**

The petitioner has filed this petition U/Sec.276 of the Indian
Succession Act, seeking to grant probate in favour of him in respect
of the registered Will dated 16.07.2025 executed by one

Smt.Chinnamma W/o Boraiah, in favour of him in respect of the petition schedule property.

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

The contention of the petitioner is that, the petition schedule property is an agricultural land bearing Re.Sy.No.191/2 measuring 03 acres situated at Mannekote Village, Thalaku Hobli, Challakere Taluk and it is originally belongs to the aunt of the petitioner i.e., Smt. Chinnamma W/o Boraiah and it is the self acquired property of her. Further it is the contention of the petitioner that, the revenue records of the said property is standing in the name of said Smt.Chinnamma and she is the absolute owner and in possession and also enjoyment of the said property till her death.

3. Further it is the contention of the petitioner that, during the lifetime of Smt. Chinnamma W/o Boraiah, he has taken care of her health and welfare utmost care by providing food and shelter and due to which and also due to love and affection in favour of him, the said Smt. Chinnamma W/o Boraiah, while she was hale and healthy, good conscious and fully knowledge without any undue influence, she had executed the registered Will dated 16.07.2025 in the presence of witnesses in favour of him in respect of the above said landed property and also executed the said Will in the presence of attesting witnesses and the said Will was registered in the office of Sub-Registrar, Challakere Taluk, Challakere.

4. Further it is the contention of the petitioner that, on 14.12.2025, as her only his aunt Smt. Chinnamma was died leaving behind him as her legal-heir, as such, after the death of his aunt, he has approached the concerned revenue official with a request to effect the khata of the petition schedule property in his favour as his aunt had executed the Registered Will in his favour in respect of the petition schedule property.

5. But, at that time, the concerned authority has issued an endorsement on 23.12.2025 and instructed the petitioner to get probate in his name from the competent court of law. Further it is the contention of the petitioner that, to change the Khata of the petition schedule property in his name, the probate certificate is very much necessary to him, as such, the cause of action arises for filing this petition. Alleging the above said cause of action, the petitioner has filed this petition seeking to grant probate in his favour.

6. After institution of this petition, a notice was duly published in a **“Udayakala and Hoysala daily newspapers dated 23.01.2026”** calling upon the interested persons to appear before the court. In spite of the said publication, none of the persons have appeared before the court.

7. Thereafter, in order to prove the case, the petitioner has examined himself as PW-1 and got marked the documents as Ex.P1 to Ex.P5. In support of his evidence, the petitioner has

examined two witnesses as PW-2 and PW-3 and got marked 01 document as Ex.P6.

8. Heard the arguments and perused records.

9. The following points that would arise for my consideration are:-

1) Whether the petitioner is entitled for Probate as prayed for?

2) What order?

10. My findings on the above points are as under

Point No.1: In the **Affirmative**,

Point No.2: As per final order for the following:-

REASONS

11. **POINT No.1:-** It is the case of the petitioner that, deceased Smt. Chinnamma W/o Boraiah, resident of Hosahalli Village, Thalaku Hobli, Challakere Taluk is his aunt and the petition schedule property is the self acquired property of his aunt Smt. Chinnamma, as such, the khata of the said property is standing in her name and also till her death, she is in possession and enjoyment of the petition schedule property as owner. Further it is the contention of the petitioner that, during the lifetime, his aunt Smt. Chinnamma had executed a Registered Will dated 16.07.2025 in favour of him bequeathing the petition schedule property and the said Will was prepared in the presence of two independent witnesses namely Sri. K. Vishwanatha and Sri. Prabhakar. The

deceased testator Smt. Chinnamma was aged about 67 years at the date of execution of the Will and she was mentally and physically fit.

12. Further it is the contention of the petitioner that, his aunt by name Smt. Chinnamma died on 14.12.2025 left behind him as her only legal-heir, as such, after the death of Smt. Chinnamma and also as per the Will executed by her, he is entitled the petition schedule property as his aunt had bequeathing the petition schedule property in favour of him through a registered Will.

13. On perusal of the records, it shows that, in order to prove the case, the petitioner has examined himself as PW-1 and in support of his evidence, two witnesses have been examined as PW-2 and PW-3. The petitioner has produced the original Registered Will dated 16.07.2025 said to have been executed by Smt. Chinnamma as per Ex.P6.

14. The petitioner has produced the copy of Record of Right as per Ex.P1 and on perusal of the contents of the same, it shows that, the name of Smt. Chinnamma W/o Boraih is appeared as owner of the petition schedule property. Further on perusal of the contents of the Ex.P1 discloses that, the khata of petition schedule property is standing in the name of aunt of the petitioner by name Smt. Chinnamma. The said Ex.P1 discloses the name of the deceased testator Smt. Chinnamma is the owner and in possession of the petition schedule property till her death.

15. The petitioner has produced copy of death certificate standing in the name of Smt. Chinnamma as per Ex.P2 and also produced the notarized copy of Aadhar cards standing in the name of petitioner and deceased Chinnamma as per Ex.P3 and Ex.P4. On perusal of the contents of the document at Ex.P2, it shows that, the testator by name Smt. Chinnamma W/o Boraiah died on 14.12.2025 at Hosahally Village, Challakere Taluk. On the other hand, on perusal of the contents of notarized copy of Aadhar Cards at Ex.P3 and Ex.P4, it shows that, the said documents are standing in the name of petitioner and deceased Chinnamma. Further the petitioner has produced the endorsement given by the Tahasildar, Challakere Taluk as per Ex.P5.

16. Further to prove the registered Will at Ex.P6 executed by the aunt of petitioner by name Smt. Chinnamma W/o Late Boraiah, the petitioner has examined two witnesses by name Sri. Vishwanatha and Sri. Sanna Thippanna as PW-2 and PW-3 respectively.

17. The PW-2 has stated in his evidence that, he knew the petitioner and also his aunt by name Smt. Chinnamma. Further he has stated in his evidence that, during the lifetime, the said Chinnamma was under the care and custody of petitioner, as such, on 16.07.2025, the said Chinnamma had executed the Will at Ex.P6 in the presence of him and also in the presence of one Sri. Prabhakar in respect of the petition schedule property and at that time, he and said Prabhakar were present and they have signed the

said document as witnesses and one Sri. Sanna Thippanna, Advocate has prepared the said document and he knew the contents of the said Will.

18. Further on perusal of the records, it shows that, the petitioner has examined another one witness by name Sri. Sanna Thippanna, Advocate, Chitradurga Town as PW-3. The PW-3 has stated in his evidence that, he knew the petitioner and his aunt late Smt. Chinnamma and on 16.07.2025, as per the instruction of said Smt. Chinnamma, he had prepared the Will at Ex.P6 in favour of the petitioner in the presence of witnesses in respect of the petition schedule property. Thereafter, Smt. Chinnamma has put her LTM to the said Ex.P6, then, the PW-2 and one Sri. Prabhakar.R. were present and they have signed the said document and thereafter, he has signed the said document as a scribe and got registered the same in the Sub-Registrar Office, Challakere.

19. On careful perusal of the contents of Ex.P6 i.e., Registered Will dated 16.07.2025, it shows that Smt. Chinnamma W/o Boraiah had executed the said Will in the presence of the attesting witnesses i.e., PW-2 and one Sri. Prabhakara. Further as stated above that, on perusal of the contents of Ex.P1 i.e., RTC produced by the petitioner shows that, the khata of the petition schedule property is standing in the name of deceased Smt. Chinnamma W/o Late Boraiah. Further the PW-2 and PW-3 have categorically stated that, during the lifetime, the said Smt.Chinnamma had executed the Registered Will at Ex.P6 in the

presence of them and also one Sri. Prabhakar in favour of the petitioner in respect of the petition schedule property.

20. Considering the above facts and circumstances of the case and on appreciation of evidence of PW-1 to PW-3, I am of the opinion that, the petitioner has proved the Will at Ex.P6 as per the provisions of Indian Evidence Act. Further as stated above that, inspite of paper publication, none of the interested persons have appeared before the court and contested the case. Considering the above facts and for the above reasons, I am of the opinion that, the evidence of PW-1 to PW-3 and documents produced by them are unchallenged one.

21. Considering the above facts and circumstances of the case and on appreciation of evidence of PW-1 to PW-3 coupled with contents of documents produced by the petitioner and for the above reasons, I am of the opinion that, at this stage, there is no impediment for this court to grant the Probate in favour of the petitioner. Therefore, the petitioner is entitled the Probate as sought for in this petition. Accordingly, I answer the point No.1 in the **Affirmative**.

22. **Point No.2:-** In view of the above discussion and findings on point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 276 of the Indian Succession Act is hereby

allowed and Probate is ordered to be issued in respect of Registered Will dated 16.07.2025/Registered on 25.07.2025 executed by Smt. Chinnamma W/o Late Boraiah, resident of Hosahally Village, Thalaku Hobli, Challakere Taluk, in favour of the petitioner in respect of the petition schedule property.

The office is directed to issue probate certificate after collecting the requisite fee from the petitioner.

(Dictated to the Stenographer Grade-III directly on computer, corrected, signed and then pronounced by me in the open court on this the 19th day of June 2026).

(Veeranna Somasekhara)
1st Addl. Dist & Sessions Judge,
Chitradurga.

ANNEXURE

1) List of witnesses examined for the Petitioner/s:-

PW-1 : Sri. S. Thippeswamy
PW-2 : Sri. Vishwanatha
PW-3 : Sri. Sanna Thippanna

2) List of witnesses examined for the Respondent/s:-

-Nil-

3) List of documents exhibited for the Petitioner/s:-

Ex.P1 : Copy of Record of Right
Ex.P2 : Copy of Death Certificate
Ex.P3 & 4 : Notarized copy of Aadhar Cards

Ex.P5 : Endorsement dated 23.12.2025
Ex.P6 : Original Registered Will
dated: 16.07.2025 / 25.07.2025
Ex.P6(a & b): Signatures of PW-2 and PW-3.

4) List of documents exhibited for the Respondent/s:-

-Nil-

(Veeranna Somasekhara)
1st Addl. Dist & Sessions Judge,
Chitradurga.

SML