



Presented on : 19-12-2025
Registered on : 19-12-2025
Decided on : 27-04-2026
Duration : 4 months 8 days

**IN THE COURT OF THE PRL. DISTRICT & SESSIONS
JUDGE, AT: CHITRADURGA**

Present: *Sri Ron Vasudev, B.Com,LL.B.(Spl)*
Prl. District & Sessions Judge,
Chitradurga

Dated this t he 27th day of April, 2026

P & SC No.113/2025

Petitioner :	Nanjundappa S S/o Late Shrikantappa, Aged about 55 years, Agriculturist, R/o P.Mahadevarapura village, Parashurampura hobli, Challakere taluk, Chitradurga district.
	(By Sri.M.Siddaraju, Advocate.)

/versus/

Respondent:	-NIL-
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ORDER

This petition is filed U/S.276 of the Indian Succession Act, 1925.

2. The substance of the petition averments is that, originally land bearing Re.Sy.No.91/P measuring 18 acres 14 guntas situating at Mahadevapura village morefully described in the petition schedule belonged to grand-mother of the petitioner by name Smt.Gowramma W/o Late Nanjundappa. That the said

Gowramma was in peaceful possession and enjoyment of the said property as an absolute owner till her last breath; that the Khata of the said property stood in her name; that the said Gowramma was in care and custody of this petitioner and when she was in sound state of mind, hale and healthy she voluntarily executed Will bequeathing the said property in favour of this petitioner on 17.03.2017 and she got it registered the same; that the said Gowramma breathed her last on 15.09.2025 leaving behind the said registered Will and as her last will, consequently on her death the petitioner has become the absolute owner of the said property and he approached the Tahsildar and requested him to mutate his name to the records of the said property. However stating that petitioner has to obtain probate the said authority declined to enter his name to the records of that property, therefore the petitioner is before this court seeking probate of that Will.

3. On registration of the petition and at the instance of the petitioner by allowing I.A.No.1 he was permitted to cause or issue notice in Kannada daily Samyukta Karnataka. Though the petition notice was duly published in the said daily on 24.01.2026 nobody has appeared in response to it. In this background, now the following points would arise for my consideration:

- 1. Whether the petitioner is entitled for probate as prayed for?*

2. What order?

4. In support of his case petitioner examined himself as PW.1 and one of the attesor to the Will as PW.2 and got marked Ex.P.1 to P.6. I have heard the arguments of Sri.HRP advocate for the petitioner and perused the case file, 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:-

R E A S O N S

5. **Point No.1:-** In his examination -in- chief reiterating the petition averments PW.1 stated that, his grand-mother has executed the Will voluntarily bequeathing the schedule property in his favour, that too when she was hale and healthy and in sound state of mind and it is the last Will and that now she is no more and by virtue of that Will he has become the absolute owner to it, he prayed to allow his petition.

6. In order to substantiate his said claim he examined the PW2 and said witness also stated that the testator had called him and co-attesor at the time of executing that Will and in their presence she executed that Will and after she signed that document they too put their signatures.

7. In view of this oral evidence I have gone through the documents produced and marked herein. Ex.P.1 is the registered Will dated 17.03.2017 said to

have been executed by Smt.Gowramma and contents of that Will would show that because of the love and affection she is having with the petitioner, she bequeathing that property in his favour. The said instrument is registered in the office of Sub-Registrar, Challakere on the very same day and signature of Gowramma i.e., executant is marked as Ex.P.1(d) through the PW.2 and signature of the that attestor as Ex.P.1(a) and that of co-attestor as Ex.P.1(b). I have compared the description of that property with the petition schedule and there is no discrepancy.

8. The Ex.P.2 is the endorsement issued by Tahasildar, Challakere calling upon the PW.1 to get probate that Will. The Ex.P.3 is the RTC of the Sy.No.91/2 of Mahadevapura and it shows the name of Gowramma W/o Nanjundappa in column No.9 by virtue of MR No.75/2024-25 dated 31.07.2024. The Ex.P.4 is the death certificate of said Gowrama and it shows that she died on 15-09-2025 at Mahadevapura. The Ex.P.5 is the affidavit disclosing the G-tree of the family of the PW.1 and it shows that he is the only son of his mother- Pramilamma and the Gowramma is the mother of said Pramilamma. In other words the said Gowramma is the maternal grand-mother of PW.1.

9. The Ex.P.6 is the kannada daily Samyukta Karnataka dated 24.01.2026 and it shows that petition notice was duly published in the said news paper, but nobody appeared staking their claim. So on collective reading of oral and documentary evidence at

this stage I do not find any reason either to doubt or to discard the same, hence I answer this point in the affirmative.

10. **POINT No.2:-** In the result, I proceed to pass the following;

ORDER

Petition filed U/S.276 of Indian Succession Act is allowed.

Office to issue probate in respect of registered Will dated 17.03.2017 said to have been executed by Gowramma W/o Late Nanjundappa, resident of Mahadevapura in relation of petition schedule property, after furnishing requisite stamp papers.

The concerned Revenue authority shall make necessary entry in the revenue record of the said property about this petition number.

(Dictated to the Stenographer Grade-III, transcribed and typed by him, corrected, printout taken, signed and pronounced by me in the open Court on this the 27th day of April, 2026.)

(Ron Vasudev)
Prl. District & Sessions Judge,
Chitradurga.

ANNEXURE**List of witnesses examined for petitioner :-**

PW.1 - Nanjundappa S.
PW.2 - V.Manjunatha

List of documents exhibited for plaintiff :-

Ex.P-1 - Registered Will
Ex.P.1(a) - Signature of PW.2
Ex.P.1(b) - Signature of Jayadevamurthy
Ex.P.1(c) - Signature of testator
Ex.P.1(d) - Signature of Gowramma
Ex.P.2 - Endorsement
Ex.P.3 - RTC
Ex.P.4 - Death certificate
Ex.P.5 - G-tree
Ex.P.6 - Kannada daily Samyukta Karnataka
dated 24.01.2026

List of witnesses examined for Respondent:-

-NIL-

List of documents exhibited for Respondent:-

- NIL -

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.