

KACM010019522025



Presented on : 18-09-2025
Registered on : 18-09-2025
Decided on : 14-08-2026
Duration : 10 months, 27 days

IN THE COURT OF
II ADDL. DISTRICT AND SESSIONS JUDGE
AT CHIKKAMAGALURU

PRESENT:- SRI. PRAVEEN KUMAR. R.N, (B.Com, LL.B.)
II ADDL. DISTRICT AND SESSIONS JUDGE,
CHIKKAMAGALURU

DATED THIS THE 14th DAY OF AUGUST, 2026

P. and S.C. No.16/2025

PETITIONER : Kumaraswamy
S/o Late Gurulingayya @
Gurulingappa,
Aged about 77 years,
Agriculturist,
R/a Garudanagiri village,
Nagasamudra post,
Kanakatte Hobli,
Arasikere Taluk,
Hassan District.

(By Sri K.R.Umashankar,
Advocate)

-VERSUS-

RESPONDENT/S : Nil

ORDER

This is a petition filed by the petitioner under Parts VII and IX
Section 276 of the Indian Succession Act, 1925, seeking probate in

respect of the petition schedule properties in favour of the petitioner, as per the Will executed by Sri. A.G. Veeranna in favour of the petitioner, and to grant such other reliefs.

2. The petitioner' case, in brief, is that:

The petitioner is the distant relative and acquainted with A.G. Veeranna. The said Veeranna had purchased agricultural property bearing Sy. No.126/1, measuring 7 acres 09 guntas, situated at Kunduru Village, Singatagere Hobli, Kadur Taluk, from one Subbarao, S/o. Sheshappa.

3. After the purchase, Veeranna was in peaceful possession and enjoyment of the said property as its absolute owner and khatedar, and the revenue records, including the RTCs, stood in his name. He had also paid the land revenue in respect of the said property (hereinafter referred to as the "schedule property").

4. In his old age, out of love and affection towards the petitioner and also on account of certain debts, Veeranna executed a Will dated 28.02.1996, bequeathing the schedule property in favour of the petitioner. Veeranna died on 15.11.1997, leaving behind the said testamentary document.

5. After obtaining the Will, the petitioner, being the legatee, claim to has come into possession and enjoyment of the schedule property.

6. The petitioner thereafter approached the Tahsildar, Chikkamagaluru Taluk, seeking mutation of his name in the revenue records on the basis

of the said Will. However, the concerned authority insisted upon production of probate and did not effect the mutation.

7. The petitioner contend that the schedule property is the absolute self-acquired property of Veeranna and that no other person has any right, title or interest over the same. He further state that no other application for probate or succession certificate in respect of the said property has been filed by any other person.

8. The cause of action for the petition arose on the date of execution of the Will, i.e., 28.02.1996, and subsequently when the petitioner approached the Tahsildar and his request for mutation was not considered.

9. The petitioner is the resident within the jurisdiction of this Court, and the schedule property is also situated within its jurisdiction. Hence, this Court has jurisdiction to entertain the petition. Hence, the petition.

10. In response to the notice issued through paper publication in the Kannada daily newspaper "*Kannada Prabha*" dated 20.11.2025, calling upon the concerned persons to appear and file objections, if any, to the petition, none have appeared before the Court as respondents, and the petition remained uncontested.

11. During the course of trial, in support of his case, the petitioner got examined himself as P.W.1 and got marked 6 documents as Exs.P.1 to

P.6. Further, the petitioner has examined two more witnesses as P.W.2 and P.W.3.

12. Heard the arguments of the learned counsel for the petitioner and perused the records. The following points arise for my consideration:

1. Whether the petitioner is entitled to probate of the Will dated 28.02.1996 with respect to the petition schedule property, as prayed for?
2. What order?

13. My answers to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

14. Point No.1: On careful perusal of the pleadings and the evidence placed on record, it is the specific case of the petitioner that he is the distant relative and well acquainted with deceased A.G. Veeranna, who died on 15.11.1997. The petitioner has approached this Court seeking grant of probate in respect of the Will dated 28.02.1996, said to have been executed by deceased Veeranna in his favour in respect of the schedule property. It is also his case that the revenue authorities have insisted upon production of probate for the purpose of effecting mutation of the revenue records in his name.

15. In order to substantiate his case, petitioner has examined himself as P.W.1 and has reiterated the averments made in the petition in his chief-examination. He has also produced documentary evidence marked as Exs.P.1 to P.6. Ex.P.1 is the death certificate of Veeranna, which establishes that he died on 15.11.1997.

16. The petitioner has also produced Ex.P.2, which consists of the RTC extracts pertaining to Sy. No.126. These documents disclose that the said property stood in the name of deceased Veeranna during his lifetime. Thus, the material placed on record clearly indicates that the deceased was in possession and enjoyment of the schedule property as its absolute owner.

17. Further, Ex.P.5 is the newspaper publication in "*Kannada Prabha*", which shows that public notice was issued with regard to the claim of the petitioner. Despite such publication, no objections have been received from any quarter opposing the petition or disputing the Will.

18. In order to prove the execution of the Will, the petitioner has produced the Will dated 28.02.1996, which is marked as Ex.P.6. The petitioner has examined one of the attesting witnesses to the Will, namely Onkaraiha, as P.W.2. In his evidence, P.W.2 has categorically deposed that Veeranna executed the Will in favour of the petitioner and that he attested the said Will in the presence of the testator. Ex.P.6(a) is the signature of P.W.2 found on the Will.

19. The petitioner has also examined Abdul Hameed, another attesting witness, as P.W.3. In his evidence, P.W.3 has categorically deposed that Veeranna executed the Will in favour of the petitioner and that he attested the said Will in the presence of the testator. Ex.P.6(c) is the signature of P.W.3 found on the Will.

20. The evidence of P.W.2 and P.W.3 clearly establishes that the Will was executed by deceased A.G. Veeranna while he was in a sound and disposing state of mind and that the same was duly attested by the witnesses. Their testimony remains unshaken, and there is nothing on record to disbelieve their version. The petitioner has thus satisfactorily proved the due execution and attestation of the Will as required under law.

21. It is also pertinent to note that no objections have been raised by any person in respect of the petition. There are no suspicious circumstances brought on record to doubt the genuineness of the Will. On the contrary, the oral and documentary evidence placed on record consistently supports the case of the petitioner.

22. Therefore, upon appreciation of the entire oral and documentary evidence on record, this Court is of the considered opinion that the petitioner has successfully proved that deceased A.G. Veeranna executed the Will dated 28.02.1996 in favour of the petitioner. The petitioner, being the legatee under the said Will, is entitled to seek grant

of probate in respect of the schedule property. Accordingly, I answer Point No.1 in the Affirmative.

23. POINT No.2 : In view of the findings of this Court on point No.1, I proceed to pass the following –

ORDER

The Petition filed by the petitioner under Parts VII and IX section 276 of the Indian Succession Act, 1925, is allowed.

Probate is hereby granted in favour of the petitioner in respect of the unregistered Will dated 28.02.1996, executed by late A.G.Veeranna S/o Shetru Gurusiddappa, pertaining to the schedule property annexed to the petition, after collecting the necessary stamp duty/ Court fee.

Certified copy of this order shall be furnished only after collecting requisite fees.

(Dictated to Stenographer Grade-III, transcribed by her revised by me and after corrections, pronounced in open Court on this the 14th day of August, 2026.)

Sd/-

(Praveen Kumar R.N.)
II Addl., District and Sessions Judge,
Chikkamagaluru.

ANNEXURE

1. WITNESS EXAMINED FOR THE PETITIONER:

P.W.1 : Kumara Swamy

PW.2 : Onkaraiah
PW.2 : Abdul Aameed

2. DOCUMENTS MARKED ON BEHALF OF PETITIONER:

Ex.P.1 : Death certificate of A.G.Veeranna

Ex.P.2 : RTC extract

Ex.P.3 : Mutation register extract

Ex.P.4 : Mutation order

Ex.P.5 : Notarised aadhar card

Ex.P.6 : Will

Ex.P.6(a to d): Signatures

3.WITNESS/ES EXAMINED FOR THE RESPONDENT/S:

Nil.

4.DOCUMENT/S MARKED ON BEHALF OF
RESPONDENT/S:

Nil.

Sd/-
(Praveen Kumar R.N.)
II Addl., District and Sessions Judge,
Chikkamagaluru.