

IN THE COURT OF THE HON'BLE 1ST ADDL. DISTRICT AND
SESSIONS JUDGE AT DAVANGERE

P & S.C. NO. 02/2026

PETITIONER : G.N Maheshawarappa

V/s.

RESPONDENTS: Nil.

CHIEF EXAMINATION AFFIDAVIT OF PETITIONER

I, G.N Maheshawarappa S/o G Nanjundapppa, Aged about 72 years, Retired Employee, R/O Hireuda Village, Devarahalli, Post, Channagiri Taluk, Davanagere. Dist

I submits that the I am the permanent resident of the above said address, I have married one Smt. Jayamma who is D group employee at Agriculture research centre at Kattalagere Village, Channagiri Tq. which is my second marriage with Smt. Jayamma. I was also temporary employee at Kattalagere Agricultural research centre. I am taken care of Smt. Jayamma who is a cancer patient and provided treatment at Lata nursing home, Davanagere and Kidwai cancer hospital, Banagaluru by spending huge amount. Smt. Jayamma was died on 07.05.2005 during the employment at Hireuda village, Channagiri Tq. leaving behind me as his legal heir. I performed the funeral ceremony of the deceased at Hireuda village and fallowing ceremonies. Smt. Jayamma during her life time bequeathed her government benefits available after her death in favour of me with an intention to go her all the govt. benefits to me only under a registered Will dated 15.04.2005 executed before the witness as she was suffering from Ovary cancer as her life is uncertain. At the time of execution of the will, Smt. Jayamma was in a sound state of mind and understands the things properly and clearly intended to go her all the Government benefits to me only after her demise. The Registered will and death certificate are herewith produced for kind perusal.

I further submit that after the demise of Smt. Jayamma, I have approached the Agriculture Department to availed benefits as per will where in the deceased Jayamma was an employee. In the mean while another person namely Kariyappa claiming to be the successor of deceased Jayamma filed a suit against Maheshawarappa and other



Govt. authorities under O S NO. 623/2012 on the file of the Pri.Civil Judge at Channagiri for Declaration. The suit filed by Kariyappa came to be decreed on 17.10.2012 as against the same I aggrieved by the Judgement of trail court filed an Appeal under R A NO. 27/2012 before the Senior Civil Judge court at Channagiri. The Regular Appeal field by me was allowed by the appellate Court on 11.03.2015 by setting aside the Judgement and Decree passed by the trail court. Kariyappa was not preferred any Appeal against the first Appeal. As a result the benefits of the deceased struck at Govt. due to the pendency of the suit. Thereafter I came to know that the deceased Jayamma executed a Will in his favour bequeathing her all the benefits in favour of me and filed an application to the concerned authority to release the benefits as Smt. Jayamma executed a Will in favour of me and prayed for an order to release the benefits as per will. But the Govt. refused to release the benefits such as gratuity, provident fund and other benefits. I further submit that after the Judgement I continuously fell ill and under treatment for a long time and did not give attention to the above matter. The Certified copy of the Judgement and Decree of the R A NO.27/2012, Photo copy of the trail court Judgement and medical certificates are herewith filed for kind perusal of the Hon'ble court. Therefore there is a delay in filing the petition for Probate.

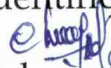
I further submit that I am an absolute right over the posthumous govt. benefits of deceased Jayamma and did not exercised the right due to the pendency of litigation and my ill health and hence this Petition.

The documents I filed before the Hon'ble court are to be marked as an exhibits on my behalf under P series.

Therefore, it is respectfully prayed that the Hon'ble court be pleased to issue a Probate certificate in favour me upon Registered Will dated: 15.04.2005 executed by Smt. Jayamma in my favour in respect of the Petition schedule movable properties in the interest of the Justice and equity.

I do swear in the name of god that this my name, signature and contents of this Affidavit are true.

Identified by me


Advocate




Deponent

Date: 17.7.2016

SWORN TO BEFORE ME