

KADW200003122026



IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE, HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,

B.A. LL.B.,

I Addl. Senior Civil Judge & J.M.F.C., Hubballi.

P & Sc. No.04/2026

Dated this the 17th day April, 2026

Petitioner/s : Smt. Savitri W/o Ashokkumar
Karnool, Age:55 years,
Occ:Household, R/o.House
No.37/3, Kulkarni Hakkal,
Good Shed Road, Hubballi.

(By Sri. S.N. Kini, Advocate)

Vs.

Respondent/s: 1. Bharat Petroleum Corporation
Ltd., Represented by its General
Manager, Belur, Tq: &
Dist:Dharwad.
2. Bharat Petroleum Corporation
Ltd., Occ:11th Main Road, Anna
Nagar, Chennai-40.

(Absent)

ORDERS

*This petition is filed by the petitioners under
Sec.372 of the Indian Succession Act, seeking to issue*



Succession Certificate in respect of the petition schedule amount held in the name of the deceased Ashokkumar Narayanrao Karnool.

2. *The case of the petitioner in brief is that, the petitioner is the legally wedded wife of one Late. Ashokkumar Karnool S/o Narayanrao and they got married on 29.11.1992 at Hubballi. The husband of the petitioner was an employee of the respondent Bharat Petroleum Corporation Ltd., working in Belur Plant, Tq: & Dist:Dharwad and was given staff No.76409. While in service and doing the course of employment said Ashokkumar Karnool died on 17.07.2017 due to heart attack suffered at Belur Plant of respondent, leaving behind him only the petitioner as his widow and the only legal heir and except the petitioner deceased Ashokkumar Narayan Karnool has not left behind any other legal heirs.*

3. *It is further submitted that, the deceased Ashokkumar was covered under service benefits, provident fund, family pension and other benefits. After his death, the petitioner is alone entitled for all these amounts, benefits, funds etc. It is further submitted that, one Srinivasrao falsely claiming to be a son of Ashokkumar Karnool had filed a suit in O.S.*



No.106/2017 against the present petitioner as defendant No.1 and his mother, sister as defendant No.2 and 3. Said Srinivas made a false allegation that he is a son of Ashokkumar Karnool and himself along with mother and sister are also entitled for service benefits of Ashokkumar Karnool. In the said suit the present respondent No.2 Bharat Petroleum Corporation voluntarily got impleaded as defendant No.4. After the full trial the Court dismissed the suit in O.S. No.106/2017, rejecting all the claims of the plaintiff in O.S. No.106/2017 on merits. The present case respondent was defendant No.4 in O.S. No.106/2017, in this case has produced the service record book, nomination, family records. All documents would show the present Plaintiff is the legally wedded wife of deceased Ashok Karnool and "Nominee" to receive all such funds, service benefits. She is entitled for all the service benefits etc. So-called mother and sister of Plaintiff Srinivas also shall not get any claim or share in service benefits, provident fund, gratuity and leave Encashment of deceased Ashok kumar Karnool. The Petitioner made correspondences with the Respondents in vain, & finally addressed a letter through her advocate to the Respondent to make the payment of all



the benefits. The Respondent gave a reply requiring the present petitioner to obtain Succession Certificate.

4. It is further submitted that one Somulu claims to be a wife of deceased Ashokkumar Karnool. One Srinivas and Smt. Suman claim to be the son and daughter of Ashokkumar Karnool. It has come in the earlier OS No.106/2017 that Somulu is 2nd wife and Srinivas and Suman are best illegitimate children. Somulu has not been able to prove that she is the wife of Ashokkumar Karnool. Asuming - without admitting- Srinivas and Suman are illegitimate children they are not dependent on deceased Ashokkumar Karnool and Srinivas is aged about 28 years and gainfully employed in France. And Suman is married long back and living with her husband therefore Somulu without admitting being a 2nd wife is not entitled for any PF, family pension and other service benefits, similarly Srinivas and Suman are also not entitled for service benefits EPF, family pension, Linked Insurance etc., or any share therein even under the EPF & MP Act. Therefore they are not necessary parties. Hence, this petition and prayed to allow the petition.

5. Inspite of service of summons, the defendants have not appeared before the Court and the citation was



issued calling upon the objection from general public in 'Hosadigantha', Kannada Morning daily dated:03.03.2026 and after publishing the petition notice, no one appeared before the court to contest the petition on the date of appearance of the respondent. Hence, the petition filed by the petitioner remained uncontested.

6. The petitioner examined herself as PW-1 and got marked Exs.P.1 to P.13 and P.13(a) and closed her side.

7. Heard arguments.

8. The points that arise for consideration are as follows:-

1. Whether the petitioner is entitled for succession certificate as prayed for ?
2. What order?

9. The findings on the above points are as follows:-

Point No.1 : In the affirmative,

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

REASONS

10. **Point No.1:** According to the petitioners, the petitioner is the legally wedded wife of one Late.



Ashokkumar Karnool S/o Narayanrao and they got married on 29.11.1992 at Hubballi. The husband of the petitioner was an employee of the respondent Bharat Petroleum Corporation Ltd., working in Belur Plant, Tq: & Dist:Dharwad and was given staff No.76409. While in service and doing the course of employment said Ashokkumar Karnool died on 17.07.2017 due to heart attack suffered at Belur Plant of respondent, leaving behind him only the petitioner as his widow and the only legal heir and except the petitioner deceased Ashokkumar Narayan Karnool has not left behind any other legal heirs.

11. It is further submitted that, the deceased Ashokkumar was covered under service benefits, provident fund, family pension and other benefits. After his death, the petitioner is alone entitled for all these4 amounts, benefits, funds etc. It is further submitted that, one Srinivasrao falsely claiming to be a son of Ashokkumar Karnool had filed a suit in O.S. No.106/2017 against the present petitioner as defendant No.1 and his mother, sister as defendant No.2 and 3. Said Srinivas made a false allegation that he is a son of Ashokkumar Karnool and himself along with mother and sister are also entitled for service



benefits of Ashokkumar Karnool. In the said suit the present respondent No.2 Bharat Petroleum Corporation voluntarily got impleaded as defendant No.4. After the full trial the Court dismissed the suit in O.S. No.106/2017, rejecting all the claims of the plaintiff in O.S. No.106/2017 on merits. The present case respondent was defendant No.4 in O.S. No.106/2017, in this case has produced the service record book, nomination, family records. All documents would show the present Plaintiff is the legally wedded wife of deceased Ashok Karnool and "Nominee" to receive all such funds, service benefits. She is entitled for all the service benefits etc. So-called mother and sister of Plaintiff Srinivas also shall not get any claim or share in service benefits, provident fund, gratuity and leave Encashment of deceased Ashok kumar Karnool. The Petitioner made correspondences with the Respondents in vain, & finally addressed a letter through her advocate to the Respondent to make the payment of all the benefits. The Respondent gave a reply requiring the present petitioner to obtain Succession Certificate.

12. It is further submitted that one Somulu claims to be a wife of deceased Ashokkumar Karnool. One Srinivas and Smt. Suman claim to be the son and



daughter of Ashokkumar Karnool. It has come in the earlier OS No.106/2017 that Somulu is 2nd wife and Srinivas and Suman are best illegitimate children. Somulu has not been able to prove that she is the wife of Ashokkumar Karnool. Asuming - without admitting- Srinivas and Suman are illegitimate children they are not dependent on deceased Ashokkumar Karnool and Srinivas is aged about 28 years and gainfully employed in France. And Suman is married long back and living with her husband therefore Somulu without admitting being a 2nd wife is not entitled for any PF, family pension and other service benefits, similarly Srinivas and Suman are also not entitled for service benefits EPF, family pension, Linked Insurance etc., or any share therein even under the EPF & MP Act. Therefore they are not necessary parties.

13. In order to prove their contentions, petitioner got examined as PW.1 and also got marked documents as Ex.P.1 to 13 and P.13(a). Ex.P.1 is the surviving family members certificate, which discloses that the petitioner is the only legal heir of deceased Ashokkumar S/o Narayan Karnool. Ex.P.2 is the postal receipts. Ex.P.3 is the letter dated:02.04.2018 issued by Bharat Petroleum Corporation Ltd. and related documents.



Ex.P.4 is the legal notice dated:18.12.2024. Ex.P.5 is the Postal Acknowledgment. Ex.P.6 is the Letter dated:29.04.2025 issued by Bharat Petroleum Corporation Ltd. Ex.P.7 is the plaint in O.S. No.106/2017. Ex.P.8 is the Certificate of Authenticity. Ex.P.9 is the written statement in O.S. No.106/2017. Ex.P.10 is the counter claim in O.S. No.106/2017. Ex.P.11 is the judgment in O.S. No.106/2017. Ex.P.12 is the Decree in O.S. No.106/2017. Ex.P.13 and P.13(a) are the paper publication and its receipt.

14. This Court has gone through all the documents produced by the petitioner and the examination in chief. It is noticed to the Court that, the petitioner is the wife of deceased Ashokkumar Narayanrao Karnool breathed his last on 17.07.2017. The deceased Ashokkumar Narayanrao Karnool was covered under Service benefits, profident fund, family pension and other benefits in respondent Corporation. But as per the contention of the petitioner, petitioner approached to the concerned Corporation seeking amount of deceased Ashokkumar Narayanrao Karnool, but they directed to bring Succession certificate from competent Court of law.



15. Further on go through the documents it is noticed to the court that, the petitioner is the wife of the deceased. Further admittedly there is no rival claimants in the present petition and case on the petitioner goes unchallenged. Hence, there is no reasons to disbelieve the case of the petitioner. Therefore, the case of the petitioner has to be accepted in toto at this stage at the risk of petitioner, if any future rival claims is arise the petitioner is liable to the same. Hence, it is held that, the petitioner is the legal heir of deceased Ashokkumar Narayanrao Karnool and hence, entitled to get the succession certificate in her name. Accordingly, the **Point No.1 is answered in the Affirmative.**

16. **Point No.2:** In view of findings on point No.1, this Court proceeds to pass the following:-

ORDER

The petition filed by the petitioner under Sec.372 of the Indian Succession Act, is hereby allowed.

The petitioner is successor of deceased Ashokkumar Narayanrao Karnool.

Issue Succession Certificate accordingly, after petitioner pay the requisite court fee, as per law.



*This petition stands disposed off
accordingly.*

(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the 17th day of April, 2026)

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.*

ANNEXURE

List of witnesses examined for the Petitioner/s:

*P.W.1 : Smt. Savitri W/o Ashokkumar
Karnool.*

List of documents exhibited for the Petitioner/s:

*Ex.P.1 : Surviving family members
Certificate.*

Ex.P.2 : Postal Receipts.

*Ex.P.3 : Letter dated:02.04.2018 and related
document.*

Ex.P.4 : Legal notice dated:18.12.2024.

Ex.P.5 : Postal Acknowledgment.

Ex.P.6 : Letter dated:29.04.2025.

*Ex.P.7 : Certified copy of plaint in O.S.
No.106/2017.*



- Ex.P.8 : Certified copy of Certificate of Authenticity.*
- Ex.P.9 : Certified copy Written Statement in O.S. No.106/2017.*
- Ex.P.10 : Certified copy of Counter Claim in O.S. No.106/2017.*
- Ex.P.11 : Certified copy of Judgment in O.S. No.106/2017.*
- Ex.P.12 : Certified copy of Decree in O.S. No.106/2017.*
- Ex.P.13 : 'Hosadigantha' Kannada Newspaper.*
- Ex.P.13(a) : Receipt.*

List of witnesses examined for the respondent/s:

NIL

List of documents exhibited for the Respondent/s:

NIL

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.*