

KAHS010080532025



Presented on : 01-12-2025
Registered on : 02-12-2025
Decided on : 06-08-2026
Duration : 0 year, 08 months, 04 day

**IN THE COURT OF II ADDL. DISTRICT & SESSIONS
JUDGE, HASSAN**

:PRESENT:

**Sri. E. Rajeeva Gowda, LL.M.,
II Additional District & Sessions Judge,
Hassan.**

Dated this the 6th day of August, 2026

P and SC/140/2025

Petitioner	Smt. Geetha K.S W/o Ravishankar S.B, Aged about 40 years, R/o Kalenahalli Hatti village, T. Kodihalli post, Kasaba Hobli, Arasikere Taluk, Hassan District.
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(Represented by
Sri. D.V.G., Advocate)

Vs.

Respondents : NIL

:ORDER:

The petitioner has filed this petition under Section 278 of Indian Succession Act for grant of Letter of Administration with respect to execution of registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in favour of the petitioner.

2. The case of petitioner in brief is that, the petition schedule property which is located in Kalenahalli Hatti village, Kasaba Hobli, T. Kodihalli post acquired by the deceased Siddappa S/o Rangashetty, the father of the petitioner through registered deed on 31.03.2006. During life time of deceased Siddappa S/o Rangashetty and his wife, the said land was given to the petitioner through Registered Will. The father and mother of petitioner died on 22.06.2012 and 26.07.2025 respectively. The petitioner was looking after the welfare of her parents. As a result of her love and affection towards the petitioner, in sound disposing state of mind, the testator Siddappa S/o Rangashetty has executed a registered Will dated 15.11.2010 in favour of petitioner by bequeathing the petition schedule land. The registered Will dated 15.11.2010 was the last Will executed by testator Siddappa S/o Rangashetty, who died on 22.06.2012. The petitioner require the probate with respect to the execution

of registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in her favour.

3. After filing of the petition, public notice of the petition was published in a Kannada State Daily Newspaper by name “Vijayavani” dated 07.01.2026. Even after publishing of public notice pertaining to filing of the present petition, no interested persons appeared before the Court contesting the present petition.

4. In proof of her case, the petitioner got herself examined as PW.1 and has examined one witness as PW.2. Ex.P1 to P.6 documents were tendered in evidence of the petitioner.

5. Heard learned counsel for the petitioner. Perused the materials placed on record.

6. The points that arise for the consideration of this Court are:

1. Whether the petitioner proves the execution of registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty bequeathing the petition schedule land in her favour?
2. Whether the petitioner is entitle for grant of Letter of Administration/Probate with respect to execution of registered Will dated 15.11.2010?

3. What Order?

7. The findings of this Court on the above points are as follows:

Point No.1 : In the Affirmative,

Point No.2 : In the Affirmative,

Point No.3 : As per final Order,

for the following:-

:REASONS:

POINT NO.1 AND 2:

8. Since these two points are interconnected with each other, to avoid repetition of facts and findings, these two points are taken up together for consideration.

9. In proof of her case, petitioner has filed her affidavit by way of her evidence and got herself examined as PW.1. PW.1 in her evidence has deposed that she is the daughter of testator Siddappa S/o Rangashetty. As a result of love and affection towards the petitioner in sound disposing state of mind, the testator Siddappa S/o Rangashetty has executed a registered Will dated 15.11.2010 by bequeathing the petition schedule land in Sy.No.1/P23 measuring 0-10 guntas situated at Kalenahalli Hatti village, Rangapura Kavalu. The registered Will dated 15.11.2010 was the last Will executed by testator Siddappa S/o Rangashetty who died on 22.06.2012. The testator Siddappa S/o Rangashetty

resided and executed Will within the territorial jurisdiction of the Court.

10. PW-1 in her evidence has produced Ex.P1 to P.6 documents. The Ex.P1 is the genealogical tree, Ex.P2 is the registered sale deed, Ex.P3 is the Registered Will, Ex.P4 is the death certificate of Siddappa, Ex.P5 is the RTC extract and Ex.P6 is the Adhar card.

11. It is obvious to note that, the contents of Ex.P1 G-tree of the family of testator Siddappa S/o Rangashetty supports the contention of the petitioner about her relationship with the testator Siddappa. Ex.P2 registered sale deed which shows that the petition schedule land in Sy.No.1/P23 measuring 0-10 guntas of land was purchased by testator Siddappa S/o Rangashetty, Ex.P3 Registered Will discloses that the testator Siddappa S/o Rangashetty in sound disposing state of mind has executed the said Registered Will in presence of two witnesses by name Kamalamma and Ravishankara by bequeathing the petition schedule land in favour of the petitioner, Ex.P4 is the death certificate of Siddappa, Ex.P5 is the RTC extract with respect to the petition schedule land for the year 2025 wherein testator Siddappa S/o Rangashetty is shown as the khatedar and in possession of Sy.No.1/P23 of the

petition schedule land and Ex.P6 is the Adhar card of PW-2.

12. The Hon'ble High Court of Karnataka, Bengaluru in the decisions rendered in **MFA No.5120/2023 dated:27-09-2023 between K.M. Somaiah Vs NIL and in MFA 4399/2023 dated:01-02-2024 between M.R. Mohankumar and Others Vs NIL** has held there is no bar to grant probate in respect of a Will in favour of beneficiary of a Will and the bar created under Section 222 of Indian Succession Act will not come in the way of grant of probate with respect to Will in favour of beneficiary.

13. With regard to the acceptance and proof of an unprivileged Will, the Apex Court of the land in a decision reported between **Ramabai Padmakar Paril Vs. Rukminibai Vishnu Vekhande and Others, reported in (2003) 8 SCC 537** has held that, Section 63 of the Indian Succession Act laid down that the testator shall sign or shall affix his mark to the Will or it shall be signed by some other person in his presence and by his direction. It is further held that the Will shall be attested by two or more witnesses, each of whom has seen the testator signing or affixing his mark to the Will or has seen some other person signed the Will, in the presence and on the

direction of the testator and each of the witnesses shall sign the Will in presence of the testator. Section 68 of the Evidence Act mandates examination of one attesting witness in proof to a Will whether registered or not.

14. In the present case, to prove the execution of Ex.P.1 registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in favour of the petitioner, the petitioner apart from producing Ex.P.3 registered Will has got examined PW.2-S.B Ravishankara as the one of the attesting witness of the Will. PW.2 has given evidence supporting the case of the petitioner stating that on 15.11.2010 testator Siddappa S/o Rangashetty in his presence has executed Ex.P.3 registered Will by bequeathing the petition schedule land in favour of the petitioner and affixed his signatures to the Will in his presence. In the presence of testator, he has affixed his attesting signatures to the Will. PW.2-Ravishankara in his evidence has identified Ex.P.3(a) as the signature of testator Siddappa S/o Rangashetty on the Will.

15. By going through the contents of Ex.P3, registered Will dated 15.11.2010 and by considering the evidence of petitioner and evidence of PW.2 S.B Ravishankara, one of the attesting witnesses of the Will, this Court is of the opinion that petitioner has proved the

execution of Ex.P3 registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in her favour by bequeathing the petition schedule land of 0-10 guntas as required under Section 63 of Indian Successions Act and under Section 68 of Evidence Act.

16. In the present case, in response to the publication of public notice with respect to filing of the present petition, no interested persons appeared before the court by contesting the present petition. On the other hand, the petitioner has proved execution of Ex.P.3 registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in her favour by bequeathing the petition schedule land and also proved the death of Siddappa S/o Rangashetty on 22.06.2012. Under these circumstances, this court is of the opinion that petitioner has made out grounds to issue Probate under the provisions of Indian Succession Act with respect to execution of the registered Will dated 15.11.2010 by testator Siddappa S/o Rangashetty in favour of the petitioner. With these observations, this court answer **point No.1 and 2 in the 'Affirmative'**.

POINT NO.3:

17. In view of my findings on point No.1 and 2 in the Affirmative and the reasons assigned thereon, I proceed to pass the following: -

:ORDER:

The Petition filed by the petitioner under Section 278 of Indian Succession Act is allowed.

The office is directed to issue probate with respect to the execution of the registered Will dated 15.11.2010 executed by testator Siddappa S/o Rangashetty in favour of the petitioner with respect to petition schedule land, as per law.

Office to issue Letter of Administration/Probate in accordance with the provisions of Indian Succession Act, after collecting the necessary Court Fee.

(Dictated to my dictation by the Stenographer Grade-III directly on Computer, corrected by me and then pronounced in the open Court on this the 6th day of August, 2026.)

Sd/-
(E. Rajeeva Gowda)
II Addl. District & Sessions Judge,
Hassan.

:ANNEXURES:**List of witnesses examined for the Petitioner:-**

P.W.1	Geetha K.S
P.W.2	S.B Ravishankar

List of documents marked for the Petitioner:-

Ex.P.1	G-tree
Ex.P.2	Registered Sale deed
Ex.P.3	Registered Will
Ex.P.4	Death certificate of Siddappa
Ex.P.5	RTC extract
Ex.P.6	Adhar card of PW-2

SD/-
(E. Rajeeva Gowda)
II Addl. District & Sessions Judge,
Hassan.