

KAHV300021962025



**IN THE COURT OF PRIL. SENIOR CIVIL JUDGE &
JMFC., HANGAL, AT: HANGAL**

: PRESENT :

Shri. MAHESH S. PATIL,
B.Sc., LL.B
Pril. Senior Civil Judge & JMFC,
Hangal

Dated this 10th day of August, 2026

P & Sc.No.2/2025

BETWEEN:

1. Smt.Suma W/o. Balaram Padaki,
Age: 52 years, Occ : Private Cook,
R/o. Tilavalli village, Hangal Taluk,
Haveri District. Karnataka State.

...PETITIONER

(BY SRI.K.G.S., ADVOCATE)

A N D :

1. Central Bank of India Ganesh Kripa,
Ramanagara Kelkar-Road, Dombivli
Munai-(East) 421-201
2. Central Bank of India,
P.B.Road Haveri For Notice purpose only.

...RESPONDENTS

(By.Sri.A.V.K., Advoate.)

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ORDER

This is a petition filed by the petitioner under Sec. 372 of Indian Succession Act seeking to issue succession certificate.

2. The brief case of the petitioner is as under;

At the time of demise, the deceased was an ordinary resident of Tilavalli Village, Hangal Taluk, Haveri District and having immovable properties i.e., land bearing RS.No.46 measuring 2 Acres, 34 Guntas situated at Yattinahalli (M) Tilavalli village of Hangal Taluk, Haveri District and deceased is also having residential tiled house bearing RDPR No.151700201600120840 situated at Tilavalli Village. Both immovable properties have been inherited by and transferred to the Petitioner. The deceased left behind movable properties comprising bank savings as specified in Schedule-A, accumulated during his tenure of employment in Mumbai. The Petitioner duly issued legal notices to both the Mumbai branch and the Haveri branch of the concerned

bank, requesting the transfer of the deceased husband's bank account to the Haveri branch to facilitate further legal execution and indemnity surety bond to the comply. It is further contended that, the petitioner is the only legal heir of deceased. Hence, the petitioner constrained to file the present petition seeking the aforesaid relief.

3. After registration of the case, the notices came to be issued to both the respondents and the learned advocates Sri. AVK has submitted his vakalat for respondent NO.2 and in spite of due service of notice of the main petition to the respondent No.1, he did not appear and therefore, the respondent NO.1 is placed ex-parte. In spite of sufficient opportunity, the respondent No.2 has not filed objections to the main petition.

4. Though the respondent No.1 did not submit any application seeking to set aside the order, whereby he was placed ex-parte, but however, the respondent No.1 and 2 have submitted common objections to the main petition after getting setting aside of the order whereby the objection was taken as nil.

5. In the said objections, it is contended that the averments made in paragraph NO.1 and 4 shall be proved by the petitioner and the rest of the petitioner averments are denied as false, frivolous and they have to be proved by the petitioner and no proper court fee has been paid and hence, on such other grounds prays to dismiss the main petition.

6. In order to prove her case the Petitioner examined herself as PW.1 and got marked the documents at ExP.1 to ExP.16 and closed her side. Whereas in spite of sufficient opportunity, none of the respondents have led their evidence to disprove the case of the petitioner and to prove their contentions taken in the objections to the main petition.

7. I have heard the arguments of learned counsel for both side and perused the entire records.

8. In the facts and circumstances of the case, the following points arises for my consideration:

Point No.1:Whether the petitioner is entitled for the relief as sought for?

Point No.2: What order?

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

Point No.1: In the affirmative,

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

REASONS

10. As could be seen from the records, it is the specific case of the petitioner that, her husband by name Balaram Padaki was employed in Mumbai and he was permanent resident of Tilavalli, Hangal and during his tenure in Mumbai, he had opened the account bearing No.1177417628 with Central Bank of India, Dombivli Branch, Mumbai (Respondent NO. 1 herein). But however, he has died on 23.05.2022 and his parents i.e., Gopalrao Bhimaji Padaki and Rukminibai Padaki, have pre-deceased him and the deceased had no issues. Therefore, it is

the petitioner alone who is entitled to the said amount left over by the deceased in the said bank account. The deceased has not executed any will, nor the petitioner has submitted any petition of the present nature before any other court, hence sought to issue succession certificate.

11. Apart from the issuance of the succession certificate, the petitioner has also sought for the direction of the court to the respondent No.1 to transfer the said account of the deceased from the branch of the bank of the respondent No.1 to that of respondent No.2, so as to facilitate the petitioner to execute all the necessary documents to realize her claim in respect of the said amount kept in the said account by the deceased.

12. In order to prove her case the Petitioner examined herself as PW.1 and got marked the documents at ExP.1 to ExP.16 and closed her side.

13. The PW1 has reiterated the very petition averments in her examination in chief filed through her affidavit and prayed to issue

succession certificate in her favour. In order to establish her oral evidence she has got marked 16 documents at Ex.P1 to Ex.P16.

14. The document at Ex.P1 is the original passbook pertaining to the account maintained by deceased with the bank of the respondent No.1 with account NO.1177417628, as per which it goes to show that as on the date of his death he had maintained the balance amount of Rs.73,835/- and in this regard the petitioner has filed this petition.

15. The document at Ex.P2 is the E-Katha in respect of the house property bearing VPC No.492 of Tilavalli, Hangal, standing in the name of the petitioner and the further perusal of Ex.P2 goes to show that she has inherited the said property from her ancestors and also goes to show that she is the permanent resident of Tilavalli, Hangal.

16. The document at Ex.P3 is the death certificate of the deceased Balaram, which goes to show that he has died on 23.05.2022 at

Vidyanagar, Haveri, and his permanent residence is shown as Tilavalli, Hangal.

17. Whereas, Ex.P4 and P5 are the death certificates of the mother and father of the deceased respectively, which goes to show that they have pre-deceased the deceased. Moreover, it goes to show that the petitioner has got no issues. Therefore, it seems she is the only legal heir and therefore, sought for the said deposit amount and before filing the said petition she has addressed the legal notice through her advocate to both the respondents as per Ex.P6 and P7 respectively and they have been dispatched to the said respondents as per the postal receipts produced at Ex.P8 to 11 and they have been duly served upon both the respondents, as per the postal acknowledgments produced at Ex.P12 to P14. It seems in spite of the receipt of the said request/demand, they have neither complied nor replied to the said notice. Therefore, the same has constrained the petitioner to file the present petition.

18. The documents produced at Ex.P15 and P16 are the original Aadhaar cards of the petitioner and the deceased respectively.

19. The PW-1 is not at all cross-examined by the learned counsel for the respondents. Therefore, the case and version made out by the PW1 in the present petition remains unchallenged. Even otherwise, the PW1 has established that her now deceased husband was the permanent resident of Tilavalli, Hangal but temporarily migrated to Mumbai to earn his livelihood and during his such tenure he had maintained the aforesaid account with the branch of the respondent No.1 bank and has died leaving behind the petitioner as the only legal heir and without any will. It seems the petitioner has submitted the legal proof Ex.P6 and P7 to the respondents, but they were neither replied nor complied with. Hence, the present petition.

20. As already stated, the respondents have neither cross-examined the PW1 nor led their evidence so as to rebut the case and version put forth by the PW1.

21. Therefore, it goes to show that the PW1 is the only legal heir who is entitled for the said amount and there is no rival claim as against the present claim made out by PW1.

22. Now it is necessary to peruse the conduct on the part of the respondents. As already stated, the respondents have not bothered to comply the demand of the PW1 made in Ex.P6 and P7. The amount sought is Rs.73,835/-. The PW1 is the permanent resident of Hangal. Considering these facts, one can assume and presume the difficulty on the part of the widowed lady without any issues to approach the very bank wherein the deceased has maintained the said account i.e., at Mumbai. Therefore, she had sought for the transfer of the said account from the branch of the respondent No.1 to that of the respondent No.2. But however, the same were fell on deaf ears. In the entire objection, the respondents have not made out the ground why her such request cannot be met out by the respondents. Now we are in the era of 2026 wherein the banks are operating through digitized/virtual/core

banking business means and could have transferred the said account so as to enable the petitioner to make all necessary formalities to claim the amount. Therefore, the court is of the opinion that the respondent bank, which ought to have eased the business of banking by the petitioner, on the contrary, has not properly responded and therefore, the petitioner is constrained to file the present petition. Therefore, the PW1, apart from her entitlement to the succession certificate, has also made herself entitled for the direction sought for. Considering the attitude on the part of the respondent, the court is of the opinion to award cost of Rs.10,000/- due to the delay and inaction on the part of the respondent without any proper and sufficient objection. Hence, left with no other option, the court is constrained to answer this point accordingly.

23. **Point No.2 :** In view of above reasons and discussions, I proceed to pass the following;

ORDER

The petition filed by the petitioner U/s 372 of Indian Succession Act is allowed.

The office is hereby directed to issue succession certificate in respect of the aforesaid bank account.

The respondent No.1 is directed to transfer the account bearing No.1177417628 standing in the name of deceased, to the branch of the respondent No.2 bank so as to enable the petitioner to make all necessary formalities.

The respondents are also jointly and severally liable to pay compensation of Rs.10,000/- to the petitioner.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open court on this 10th day of August 2026)

(SRI.MAHESH S. PATIL)
Pril.Senior Civil Judge & JMFC,
Hangal.

ANNEXURE

WITNESSES EXAMINED ON BEHALF OF PETITIONER/S

PW-1 : Smt.Summa W/o. Balarama Kadaki.

DOCUMENTS MARKED ON BEHALF OF PETITIONER/S

ExP.1 Passbook
ExP.2 VPC.No.492
ExP.3 Death certificates
to 5
ExP.6 & Notices
7
ExP.8 Postal Receipts
to 11
ExP.12 Postal Acknowledgments
to 14
ExP.15 Aadhaar Cards
& 16

WITNESSES EXAMINED ON BEHALF OF RESPONDENT

-NIL -

DOCUMENTS MARKED ON BEHALF RESPONDENT/S

-NIL -

(SRI.MAHESH S. PATIL)
Pril.Senior Civil Judge & JMFC,
Hangal.