

IN THE COURT OF THE HON'BLE PRL- DISTRICT &
SESSIONS JUDGE OF KODAGU AT MADIKERI.

P& S.C. No. 02/2024

Petitioner - SMT. LEELAVATHI K V,

V/S

Respondents - Nil

AFFIDAVIT FILED UNDER ORDER XVIII RULE 4 CPC,
1908.

EXAMINATION-IN-CHIEF

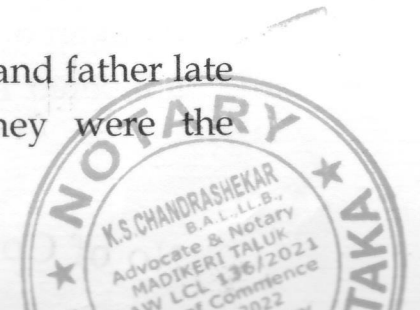
PETITIONER	SMT. LEELAVATHI K V,
AGED	54 years
HUSBAND NAME	K R Venkappa
PROFESSION	House wife
ADDRESS	Jodupala, Made Village and post, Madikeri Taluk, Kodagu District.
	Petitioner. PW.2

1. I say that I am the Petitioner herein I am well conversant with the facts of the case and those deposed to herein.

2. I say that I am the legatee under the last Will dated 23/11/1995 of late K A Muthakka who is my mother and now she is deceased.

3. I say that I am the daughter of late K A MUTHAKKA and late Kukkappa Mulya resident of Made Village, Madikeri Taluk, Kodagu District, and Karnataka State. I am residing at Jodupala, Made Village and Post, Madikeri Taluk, Kodagu District and I am belonging to Hindu religion.

4. I say that my mother Smt. K A Muthakka and father late Kukkappa Mulya during their life time they were the

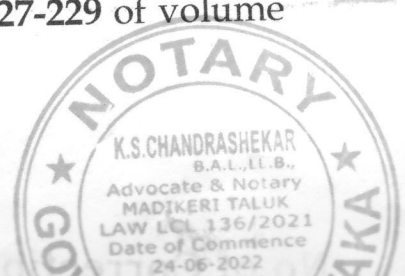


permanent resident of Jodupala, Made Village, Sampaje Hobali, Madikeri Taluk, Kodagu District. My mother Smt. K A Muthakka, died on 02/06/2001 at her house situated in Jodupal, Made Village, Madikeri Taluk, Kodagu District. I say that smt. K A MUTHAKKA was the owner of the sagu Khushki property measuring 0.85 acres in Sy.No.38/1, of Made Village, Madikeri Taluk, Kodagu District she was acquired said property by way of Grant (bifurcated from paisery land) **by the Taluk Tahasildar of Madikeri Vide his order on Akra; 1900/91-92 PATTA No.425/1994-95 dated on 28/03/1995** and the said K A Muthakka obtained the lawful possession thereof. Pursuant to said grant, the said land was transferred, mutated and Certified in the name of aforesaid K A MUTHAKKA at Madikeri taluk revenue office as an owner, holder, occupier and possessor thereof and the said property situated at Made Village, Madikeri Taluk and the same is situated within the jurisdiction of this Hon'ble Court.

5. I say that the registered will which was registered as document numbered **15** of the year **1995-96** at pages **227-229** of volume **11** of **Book-111** at the office of Sub Registrar, Madikeri on **23/11/1995** is the last Will and testament of my mother smt. K A MUTHAKKA.

6. I say that the said Will was duly executed on 23rd day of November, 1995 by my mother smt. K A MUTHAKKA in the presence of the witnesses one Mr. SHESHAPPA N P, son of late Nangaru puthu, aged 62 years, agriculturist, resident of Made Village, Madikeri Taluk, Kodagu District and another one is Smt. Devamma who resided at Jodupal Made Village, Madikeri Taluk, Kodagu District. Now they are migrated some other place of Dakshina Kannada District. Thereafter the said Will was registered in the office of the Sub-Registrar, Madikeri on 23/11/1995. Which was registered as document numbered **15** of the year **1995-96** at pages **227-229** of volume

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11 of **Book-111** at the office of Sub Registrar, Madikeri on **23/11/1995**.

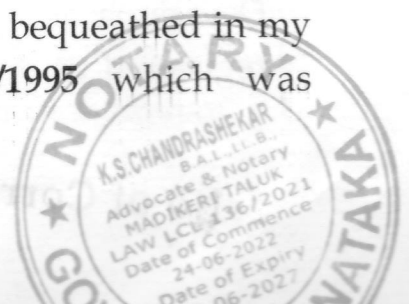
7. I say that at the time of the death of my mother smt. K A MUTHAKKA her permanent and fixed place of resident was at Jodupal of Made Village, Madikeri Taluk, Kodagu District within the jurisdiction of this Hon'ble court.

8. I say that the assets which were belonging to and in the possession of late K A MUTHAKKA and which are likely to come to my hands are mentioned in the schedule property Unredeemed Khushki jaga, land measuring 0.85 acres in Sy.No.38/1, situated at Made Village & Sampaje Hobali, Madikeri Taluk, Kodagu District.

9. I say that I am the person mentioned as legatees in the said will, Which was registered as document numbered **15** of the year **1995-96** at pages **227-229** of volume **11** of **Book-111** at the office of Sub Registrar, Madikeri on **23/11/1995** of late K A MUTHAKKA.

10. I say that this petition is for the Letter of Administration of the said last Will of late K A MUTHAKKA and I am entitled to obtain the Letter of Administration of the said Will Which was registered as document numbered **15** of the year **1995-96** at pages **227-229** of volume **11** of **Book-111** at the office of Sub Registrar, Madikeri on **23/11/1995** of late K A MUTHAKKA, annexed and produced herewith.

11. I say that ^① during the last days of ^② her life, my mother Smt. K A MUTHAKKA was little bit unhealthy, at that time K A MUTHAKKA ^③ revealed the facts that the property Unredeemed Khushki jaga, land measuring 0.85 acres in Sy.No.38/1, situated at Made Village & Sampaje Hobali, Madikeri Taluk, Kodagu District has been bequeathed in my favour through the will dated **23/11/1995** which was

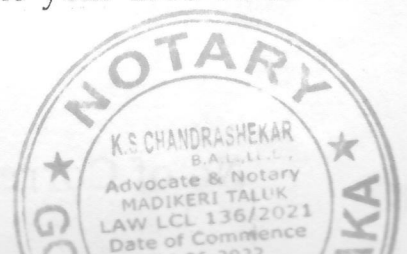


registered as document numbered 15 of the year 1995-96 at pages 227-229 of volume 11 of Book-111 at the office of Sub Registrar, Madikeri. My mother Smt. K A Muthakka had informed me that on 23/11/1995 she went to office of the document writer Mr. Thammaiah along with the witnesses Smt. Devamma and Mr. N P Sheshappa and the will which has been prepared by the document writer Mr. Thammaiah as per instructions given by my mother Smt. K A Muthakka and said document writer read over the contents of the will in the presence of my mother and the witnesses Smt. Devamma and Mr. N P Sheshappa and my mother admitted whatever the information provided to the documents written in will has prepared and the presence of the witnesses the document writer read over the contents of the will and narrated the said facts to the witnesses. Hence the witnesses admitted it is true and correct. After that my mother Smt. K A Muthakka, two witnesses and the said document writer Mr. Thammaiah, went to the sub register office Madikeri and the sub registrar read over the contents of the will prepared by the document writer in the presence of my mother and two witnesses Smt. Devamma and Mr. N P Sheshappa Hence my mother and two witnesses Smt. Devamma and Mr. N P Sheshappa admitted the contents of the said will prepared by the document writer. My mother smt. K A Muthakka affixed her two signatures in the will in the presence of the witnesses Smt. Devamma and Mr. N P Sheshappa and the witnesses identified the executor's signature after affixed signature by my mother, two witnesses Smt. Devamma and Mr. N P Sheshappa affixed their signatures in the will in the presence of the executor and before the sub registrar of Madikeri.

12. I can identified the signature's affixed by my mother smt. K A Muthakka and signature of two witnesses Smt. Devamma and Mr. N P Sheshappa in the will Which was registered as document numbered 15 of the year 1995-96 at

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pages 227-229 of volume 11 of **Book-111** at the office of Sub Registrar, Madikeri on 23/11/1995 of late K A MUTHAKKA

13. I submits that I will administer the property and render proper and correct accounts in respect of the same within six months of the grant of Letter of administration with the Will annexed thereto in respect of the property mentioned in the Will, Which was registered as document numbered 15 of the year 1995-96 at pages 227-229 of volume 11 of **Book-111** at the office of Sub Registrar, Madikeri on 23/11/1995 of late K A MUTHAKKA referred to above. To the best of my knowledge no application has been made to any other court for a Letters of Administration of the same estate.

14. I say that value of the property and assets which are likely to come to me herein as the legatee does not exceed the aggregate sum of rupees 2,55,000/- after deducting all the items which are allowed to be deducted under law.

15. I say that as per order of this Hon'ble court I published the public notice in the state vide news paper on 20/03/2024 and there was no objection from any interested parties.

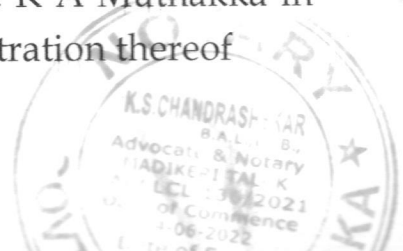
16. I say that I know the witnesses of the will. First witness Smt. Devamma was my villager but now she is out of station and I do not have any contact with her. The second witness of the will Mr. N P Sheshappa is residing at Made Village and he has given his evidence before this Hon'ble court.

17. I say that I can identify the documents which I had furnished before this Hon'ble court.

18. Wherefore, I humbly and respectfully prays that I may be allowed to prove the last Will, Which was registered as document numbered 15 of the year 1995-96 at pages 227-229 of volume 11 of **Book-111** at the office of Sub Registrar, Madikeri on 23/11/1995 of my mother late K A Muthakka in common forms and that Letter of Administration thereof

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may be granted to me to have effect throughout the State of Karnataka and I further prays that such other relief or reliefs as this Hon'ble court may deem fit and proper under the circumstances of the case may also be granted to me.

SCHEDULE OF IMMOVABLE PROPERTY

Unredeemed Khushki jaga, land measuring 0.85 acres in Sy.No.38/1, situated at Made Village & Sampaje Hobali, Madikeri Taluk, Kodagu District.

SCHEDULE OF THE MOVABLE PROPERTY

Nil

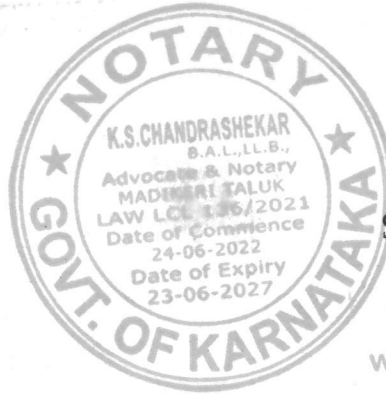
I do swear in the name of god that this is my name and signature that the contents of this affidavit are true and correct to the best of my knowledge, belief and information.

Madikeri.
Dt. 11/03/2025

Identified by me

Subhosh.N.S.
Advocate (N.S.S.)

No, of corrections Nil



Subhosh.N.S.
deponent

Sworn to before me

"Contents of this Affidavit read Over
Explained to the deponent Kan/Eng.
Which he/she knows and admit the same
Sworn to before me"

11/03/2025
K.S. CHANDRASHEKAR B.A.L., LL.B.,
Advocate & Notary, Govt. of Karnataka
"PUSHPAK", Kundacheri Village & Post
Chettimani-571 247, Madikeri Taluk, Kodagu Dist.