

KAKL410039652024



Presented on : 19-12-2024
Registered on : 19-12-2024
Decided on : 10-06-2026
Duration : 1 year, 5 months, 22 days.

**IN THE COURT OF SENIOR CIVIL JUDGE AND J.M.F.C.,
MULBAGAL**

Present: **Sri.GOWDA JAGADEESHA RUDRE.**
B.Com., L.L.B.
Senior Civil Judge and JMFC., Mulbagal.

DATED ON THE 10th DAY OF JUNE-2026

P & S.C.05/2024

PETITIONER:-	1. Sri.Manjunatha.S S/o late V.Srinivasa, Aged about 35 years, Business, R/o: New AD colony, Mulbagal Town and Taluk, Kolar District.
	2. Smt.Kamala.S D/o late V.Srinivasa, Aged about 25 years, House wife, R/o: Mandikal Village, Mulbagal Taluk, Kolar District.
	3. Sri.Arjun.S. S/o late V.Srinivasa, Aged about 22 years, Student, R/o: Advichambakur Village,

		Srinivasapura Taluk, Kolar District.
Petitioners by:Sri.C.V.S., Advocate		
V/s		
RESPONDENTS :-		Nil

-:J U D G M E N T:-

The Petitioners have filed the present petition under Section 372 of Indian Succession Act for grant of succession certificate in their favour.

2. Brief facts of the case are as under:-

That the Father of Petitioners V.Srinivasa was working as a Forest Guard under the Karnataka Forest Development Corporation Limited. But, unfortunately he died intestate on 02.01.2022 at New AD Colony, Mulbagal Town. Except these Petitioners there are no other legal heirs to the deceased V.Srinivasa. The deceased V.Srinivasa was manger of their family. During the time of service in Forest Department, deceased V.Srinivasa had savings in EPF. After his demise, the Petitioners approached to the concerned department to release the EPF and EDLI benefits but, they directed them to submit succession certificate granted by competent Court. **With these**

averments, the Petitioners prays to issue succession certificate.

3. In response to issuance of notice through paper publication in Vijayavani Kannada Daily News Paper as per order dated 21.02.2025 of this Court, none of the interested person/s, appeared before Court.

4. In order to prove their case, the Petitioner No.3 himself examined as PW-1 and got marked 9 documents at Ex-P.1 to 9 and closed their side evidence.

5. Heard the arguments of learned advocate for the Petitioners and perused entire records.

6. The points that arise for consideration are as under:

- 1) Whether the Petitioners prove that they are entitled for issuance of succession certificate in their favour?
- 2) What order?

7. 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

8. **Point No.1:-** From the perusal of the records, it is the Petitioners' specific case that deceased V.Srinivasa is their father who died intestate on 02.01.2022 leaving behind them as his legal heirs to succeed to his estate. The deceased V.Srinivasa savings some amount in EPF and EDLI. The Petitioners approached to the concerned authority to with draw the same but, concerned authority directed them to produce succession certificate. In order to prove their case, Petitioner No.3 himself examined as PW-1 and reiterated their petition averments and prayed to issue succession certificate in their favour.

9. To substantiate his oral evidence, PW-1 has relied upon documentary evidence at Ex-P.1 to 9. The document of Ex-P.1 is the genealogical tree pertaining to the family of the PW-1 which goes to show that the family of the PW-1 consists of Petitioner No.1 to 3 and the deceased V.Srinivasa and deceased Shanthamma. Ex-P.2 is the death certificate of said V.Srinivasa, which goes to show that he has died on 02.01.2022 at Adavichambakur Village, Srinivasapura Taluk, Kolar District. Ex-P.3 is the letter dated 24.01.2024 issued by Employee's

Provident Fund Organisation which depicts that, deceased V.Srinivasa was saving some amount in his EPF account bearing No.BG/BNG/5911/594. Ex-P.4 to 6 are the Aadhar Cards of Petitioners, Ex-P.7 is the Vijayavani paper publication dated 28.03.2024. Ex-P.8 is letter issued by the the Employer of the deceased V.Srinivasa to the Regenal Provident Fund Commissioner requesting to process to claim of the Petitioners. Ex-P.9 is the death certificate of wife of deceased V.Srinivasa and mother of Petitioners who pre-deceased her husband and children.

10. Inspite of taking the paper publication, no person appeared claiming interest over the person or the property of the deceased V.Srinivasa. In the petitions of the present nature the Courts have to seek whether the Petitioners are the nearest relatives of the deceased so as to seek the succession certificate in their favour. As already stated the fact that deceased V.Srinivasa is the father of Petitioners is concerned, the same is established by the cogent oral and documentary evidence of the PW-1. Moreover, the letter dated 24.01.2024 issued by the Employee's Provident Fund Organisation at Ex-P.3 makes it clear

that he saving some amount in his account. Therefore, the legal heirs of deceased V.Srinivasa are entitled for benefits for which the Petitioners might require the succession certificate as sought in the present petition. Hence, the Court answers point No.1 in Affirmative.

11. **Point No.2:-** In view of above reasons and discussions, the Court proceed to pass the following:-

ORDER

The petition filed by the Petitioners under Section 372 of Indian Succession Act is allowed.

Issue succession certificate in favour of the Petitioner No.1 to 3 to release EPF and EDLI benefits amount pertaining to the deceased V.Srinivasa after collection of necessary stamp duty.

No orders as to costs.

(Dictated to the Stenographer directly on computer, transcribed by him, thereafter corrected and then pronounced by me in the open court on this the 10th day of June-2026)

(GOWDA JAGADEESHA RUDRE
Senior Civil Judge and JMFC.,
Mulbagal.

A N N E X U R E		
<u>List of witnesses examined on behalf of the Petitioner:-</u>		
PW-1	:	Arjun.
<u>List of documents marked on behalf of the petitioners:-</u>		
Ex.P.1	:	Family tree.
Ex.P.2	:	Death certificate of deceased V.Srinivasa.
Ex.P.3	:	Letter dated 24.01.2024.
Ex.P.4 to 6	:	Aadhar Cards.
Ex.P.7	:	Paper publication.
Ex.P.8	:	Letter dated 12.05.2022.
Ex.P.9	:	Death certificate of deceased Shanthamma.
<u>List of witnesses examined on behalf of Respondent:-</u>		
-Nil-		
<u>List of documents marked on behalf of Respondent:-</u>		
-Nil-		

Senior Civil Judge and JMFC.,
Mulbagal.