

KAMD710015232025



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

:Present :

Sri. Mohanagowda M.E.

B.A.,LL.B.

**Prl. Senior Civil Judge & J.M.F.C.,
Srirangapatna**

P & SC.No.8/2025

Dated 2nd day of July 2026

- Petitioner : 1) Sri.Srinivas.B.Surendra,
S/o Late B J Surendra,
Aged about 53 years,
R/at Door No.187,
6th Main, 7th Block,
Near D G Petrol Bunk,
BSK 3rd Stage,
Bangalore-560085.
- 2) Smt.Vijayakumari.H.K,
W/o Late B J Surendra,
Aged about 74 years,
R/at # 206, Marigudi Street
Baburayana Koppalu Grama,
Srirangapatna Taluk,
Kirangoor, Mandya-571807.

3) Sri.Nityananda
Baburayanakoplu Surendra
S/o Late B J Surendra,
Aged about 55 years,
R/at Door No.1018,
9th A Cross, 10th Main,
2nd Stage, West of Chord Road,
Near Punjab National Bank,
Mahalakshmipuram Layout,
Bangalore-560086.

4) Smt.Bharathi.B.S,
W/o R.S.Ramesh,
D/o Late B J Surendra,
Aged about 56 years,
R/at Door No. 101, 2nd Floor,
2nd Cross, Yellappa Garden, 4th
Phase, BSK 3rd Stage,
Bangalore-560085

(Rep.by Sri.S.S.G. Adv.,)

- V/s -

Respondent : NIL

**ORDER ON THE PETITION UNDER SEC. 372 OF
INDIAN SUCCESSION ACT 1925**

This petition is filed by the petitioners Under Sec.372 of the Indian Succession Act, 1925 seeking to grant succession certificate in favour of petitioners being the legal heirs of deceased late Surendra.B.J to

reconstitute the dealership of Indian Oil Corporation Ltd in the name of late Surendra B.J.

2. Brief facts of the petitioners' case are as under:

Late Sri Surendra B.J., husband of Petitioner No.2 and father of Petitioner Nos.1, 3 and 4, was a resident of Srirangapatna and a businessman by profession. He died a natural death on 06.11.2025. During his lifetime, Late Sri Surendra B.J. and Petitioner No.1 were jointly granted an Indian Oil Corporation dealership under the name and style of "M/s Bharathi Service Station" at Baburayanakoppal, Srirangapatna Taluk, Mandya District, and the outlet has been in operation since 2008. The petitioners are the sole legal heirs of the deceased. Petitioner No.2 is his wife and Petitioner Nos.1, 3 and 4 are his children. After his death, the petitioners applied to Indian Oil Corporation for reconstitution of the dealership. However, the Corporation informed them that a Succession Certificate issued by a competent court is required for reconstitution of the dealership and for effecting necessary changes in its records. Since the Succession Certificate is necessary to establish the petitioners' rights in respect of the deceased's interest

in the dealership, they have filed the present petition seeking issuance of a Succession Certificate in their favour.

3. After registration of this petition, the paper publication was issued. However, nobody appeared before the court to oppose the present petition.

4. In support of the case of petitioner, PW1 was examined and Ex.P-1 to Ex.P-7 got marked.

5. After hearing the arguments and on careful perusal of the entire materials available on record the following points arise for my consideration.

1) *Whether the petitioners prove that they are entitled to succession certificate as prayed in the petition?*

2) *What order?*

6. My 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

Point No.1 :

7. The case of petitioners is already narrated at the inception of this order hence, without repeating the same, I proceed to appreciate the material evidence on records.

8. In order to substantiate the averments in pleadings, PW1 reiterated the averments made in the petition during the examination-in-chief and marked several documents. The oral evidence adduced by the petitioner stands corroborated by the documentary evidence on record. In support of the petitioners, Ex.P-1 to 7 got marked. Ex.P-1 is death certificate, Ex.P-2 is genealogical tree, Ex.P-3 is letter, Ex.P-4 is memorandum of agreement, Ex.P-5 & 6 are notarized copies of Aadhaar card and Ex.P-7 is letter of reconstitution application.

9. Further, on perusal of evidence it reveals that the present petitioner is the son of deceased Surendra B.J. who died leaving behind the petitioners No.1 to 4 as only legal heirs. Surviving Family Members

Certificate issued by the revenue authority supports the version of petitioner/s regarding their entitlement.

10. It is pertinent to note here that, in spite of paper publication with respect to the claim of the petitioners, nobody has appeared and objected to the claim of the petitioners. As such oral and documentary evidence of P.W.1 remained unchallenged and stands un-rebutted. There is no contra evidence lead by the other side.

11. The oral evidence of P.W.1 coupled with the documentary evidence fully corroborated with the petition averments. Under such circumstances, when absolutely no rebuttal materials from the other side, I am inclined to accept the case put forward by the PW1. Further, there is no reason to disbelieve the averments of the petition.

12. Further, as per Section 372 of the Indian Succession Act succession certificate can be issued for claiming debt and securities of deceased person. The succession certificate does not determine the right, title and interest of the deceased person. Further the Hon'ble High Court of Gauhati in *Rasana Das Vs Indian Oil Corporation Ltd*, WP.No.6298/2011,

recognized the legality of succession certificate issued for reconstitution of dealership. Accordingly, I answer Point No.1 in the Affirmative.

Point No.2 :

13. In view of above discussions and reasons, this court proceeds to pass the following.

:ORDER:

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

The petitioner No.1 is entitled to Succession Certificate in respect of schedule mentioned dealership.

Office to issue succession certificate after receipt of requisite Court fee and stamp papers.

No order as to cost.

(Dictated to the stenographer, typed by stenographer directly on computer, after corrections, pronounced by me in the open Court on 2nd July 2026)

**(Mohanagowda M.E)
Prl.Senior Civil Judge & MACT,
Srirangapatna**

ANNEXURE1. List of witnesses examined on behalf of petitioners :

PW1 : Srinivasa

2. List of witnesses examined on behalf of respondent:

-Nil-

3. List of documents exhibited on behalf of petitioners:

Ex.P-1 : Death certificate

Ex.P-2 : Genealogical tree

Ex.P-3 : Letter

Ex.P-4 : Memorandum of agreement

Ex.P-5 & 6 : Notarized copies of Aadhaar card

Ex.P-7 : Letter of reconstitution
application4. List of documents exhibited on behalf of respondent:

- Nil-

(Mohanagowda M.E.)
Prl. Senior Civil Judge and JMFC.,
Srirangapatna