

KAMS010007742026



**IN THE COURT OF THE III ADDITIONAL SESSIONS
JUDGE, MYSURU.**

**Present: Sri. Gururaj Somakkalavar, M.A.,LL.B.,
III Additional Sessions Judge,
Mysuru.**

P and SC/14/2026

Dated this the 27th day of March, 2026

Petitioner : M.V.Harishkumar,
S/o M.C.Venkatesh,
Aged about 26 years,
R/at No.140,
Maratikyathanahalli Village,
Jayapura Hobli,
Mysuru-570026.

(By Sri.Manjunatha, Adv)

V/s

Respondent: - NIL -

ORDER

The petitioner has filed this petition under
Section 276 of Indian Succession Act and prays to

issue Probate to the Will dated 19.01.2021 executed by Chikkahanumegowda.

2. The petitioner prays to grant probate to the Will by his grandfather Late Chikkahanumegowda. The petitioner contends that, he is the grand son of said Chikkahanumegowda. The petition schedule property is the self acquired said Chikkahanumegowda and he was the absolute owner in possession and enjoyment of the same until his death. During his life time he was in sound mind he has executed registered Will dated 19.01.2021 in favour of the petitioner bequeathing the schedule property.

The petitioner has approached the concerned revenue authority to get the khatha of the schedule property in his favour by producing the aforesaid Will copy and along with other required documents. But the said revenue officers have directed the petitioner to obtain the Probate Certificate from the competent court of law, in respect of the schedule property.

As per the said registered Will dated 19.01.2021 executed by the grandfather of the petitioner i.e., Chikkahanumegowda the petitioner succeeded and become the absolute owner in possession and enjoyment of the schedule property. Hence the petitioner seeks to grant probate in respect of the said Will.

3. After inception of the petition public notice is issued. The petitioner has taken up paper publication through the Kannada Daily Newspaper 'Prajanudi' dated 03.02.2026. After paper publication nobody appeared and filed objection to petition. Accordingly the objection taken as not filed.

4. In order to prove the case, the petitioner has filed his affidavit in lieu of chief examination and examined himself as PW.1 and marked 09 documents at Ex.P.1 to P.9. Other two witnesses examined as PW.2 & 3 by name Harisha.S.B and Kiran.

5. Heard the arguments of counsel for petitioner. Perused the papers.

6. In the light of above materials, following points fall for decision making of this court:-

1. Whether the petitioner is entitled for Probate to the Will dated 19.01.2021?
2. What order?

7. This court upon appreciation of available materials, with reference to prevailing legal aspects, give findings to the above points as follows:-

Point No.1: In the **Affirmative**

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

REASONS

Point No.1:

8. I have completely gone through the entire petition averments. This is the petition filed by petitioner seeking probate. It is contended that, the schedule property is the self acquired property of grandfather of the petitioner. He is the absolute owner in possession of schedule property. During the life time of grandfather of petitioner he looked after his grandfather. On 19.01.2021 father of petitioner

has executed a Will. He died on 18.12.2023. He approached revenue authority to change Katha the authority has asked petitioner to get probate. Hence, the petition is filed.

9. In order to substantiate the said avernements the petitioner has produced Will at Ex.P.6. Further, the revenue documents pertinent to the said property. The documents produced as exhibits supports that, the property is the self acquired property of the grandfather of petitioner.

10. Further, the petitioner has produced death certificate of his grandfather it shows that, grandfather of the petitioner is died on 18.12.2023. The record shows that, the deceased Chikkahanumegowda has executed Will at Ex.P.6 bequeathing the schedule property in favour of petitioner. On perusal of the Will, it shows that there are two witnesses in the Will and they are one Kiran and Harisha.S.B. Those two witnesses are examined as PW.2 and PW.3. The signature of deceased Chikkahanumegowda is marked as Ex.P6(b).

11. PW.3, who is one of the witness and Deed writer of the Will has deposed that, the Will is prepared and read over the same and explained to him. In his presence Chikkahanumegowda has signed the Will after his signature he has affixed his signature. Chikkahanumegowda executed said Will with his own Will and wish. He identified his signature as per Ex.P6(c) before the court. PW.2 another witness has deposed in the same line with that of PW-3. Both have testified with regard to the execution of the Will by deceased Chikkahanumegowda. The requirement of law of examining attesting witnesses is complied with.

12. Now the petitioner claims to have right and interest. As stated above, after paper publication nobody appeared and objected to the present petition. The petitioner contends that, he is legal heir and successor and as per the Will he is the beneficiary, there are no other beneficiaries. The petitioner being the legal heir of deceased and the beneficiary of the Will, he is entitled to the Probate. As such the Probate may be issued in favor of petitioner. Hence, on the basis of documentary evidence, he is entitled for

prayer as sought. Accordingly this point is answered in **Affirmative**.

Point No.2:

13. In the result I proceed to pass the following;

ORDER

The petition filed U/s.276 of Indian Succession Act is hereby **allowed**.

Office to issue Probate certificate in favour of the petitioner in respect of testament Will dated 19.01.2021 of Chikkahanumegowda by obtaining necessary stamp duty and fees.

(Dictated to the Stenographer, typed script corrected and then pronounced by me in the open court on this the **27th day of March 2026**)

[Gururaj Somakkalavar]
III Addl. District Judge,
Mysuru.

ANNEXURE**List of witnesses examined in favour of petitioner:**

PW.1 : Sri. M.V.Harishkumar
PW.2 : Sri.Harisha.S.B
PW.3 : Sri.Kiran

List of witnesses examined in favour of respondent:

N I L

Documents exhibited on behalf of petitioner:

Ex.P.1 : R.T.C
Ex.P.2 : Encumbrance certificate
Ex.P.3 : Form No.17
Ex.P.4 : Encumbrance certificate
Ex.P.5 : Death certificate
Ex.P.6 : Will dated 19.01.2021
Ex.P.6(a) : Signature of PW.3
Ex.P.6(b) : Signature of deceased
Ex.P.6(c) : Signature of PW.2
Ex.P.7 : Copy of Aadhar card
Ex.P.8 : Original Aadhar Card
Ex.P.9 : Paper publication

Documents exhibited on behalf of respondent:

N I L

**III Addl. District Judge,
Mysuru**