

KAMS320013052025



Presented on : 11-12-2025
Registered on : 11-12-2025
Decided on : 15-04-2026
Duration : 4 months, 4 days

**IN THE COURT OF THE VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR**

Dated this the 15th day of April 2026

-: P R E S E N T :-

Sri.T.GOVINDAIAH

B.Com., LL.B.,
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

P & SC No.5012/2025

Petitioner:

Darshan.M

S/o Mahadeva
R/at Kaggali Koppalu Village,
Kottavalli, Bettadapura Hobli,
Periyapatna Taluk,
Mysuru District.

(By Smt.Ashwini.C, Advocate)

V/s.

Respondent :

- NIL -

ORDER

Petitioner herein filed petition U/S 276 of Indian Succession Act, praying this court to issue Probate in respect of Will deed

dated 15.03.2023 executed by Appajigowda S/o Late Hucchegowda, who is grand father of petitioner in respect of schedule property.

2. Petitioner is grand son of deceased Appajigowda S/o Late Hucchegowda. The said Appajigowda S/o Late Hucchegowda was the owner of the suit property. He was in actual possession and enjoyment of the same. All the documents are stands in the name of Appajigowda S/o Late Hucchegowda. During lifetime of Appajigowda, he executed Will dated 15.03.2023 in favour of petitioner by bequeathing his suit property. Thereafter, Appajigowda died on 25.05.2024. After the death of Appajigowda, who is grand father of petitioner, Will Deed dated 15.03.2023 came in force in respect of petition schedule property. In the said Will Deed it is mentioned that after his death, suit schedule property has belongs to petitioner. Now, the petitioner is in occupation of petition schedule property.

3. After the death of Appajigowda, the petitioner has filed application before concerned authority to change the documents of petition schedule property in his favour on the basis

of Will Deed dated 15.03.2023. But, the concerned authorities directed the petitioner to obtain the necessary Probate certificate from the competent authority. Hence, the petition.

4. Appajigowda S/o Late Hucchegowda, who is grand father of petitioner bequeathed his property as indicated in schedule annexed to petition in favour of petitioner by executing Will Deed dated 15.03.2023 in the presence of attesting witnesses. Therefore, petitioner is entitled to get Probate in respect of Will Deed dated 15.03.2023. It is further contended that, petitioner is in actual possession and enjoyment of petition schedule property. Thus, petitioner approached this court for grant of Probate on the basis of Will Deed. It is contended that, except this petition, no other petition is filed in any court. Hence, prayed for grant of Certificate of Probate.

5. Notice of this petition ordered to be published in Newspaper, calling objections if any. Such notice is also published in "Rajyadharma" Kannada Daily Newspaper dated 19.12.2025. But, no one appeared and no objections are received by this court.

6. During the course of trial, petitioner examined himself as PW.1 and one witness by name Ramesha examined as PW.2 and 11 documents were got exhibited at Ex's.P1 to P11.

7. Heard arguments.

8. **On the material placed before this court, points that have arisen for my consideration are as under:**

1. Whether petitioner has made out grounds for issuance of Certificate of Probate in respect of Will Deed dated 15.03.2023 executed by Appajigowda S/o Late Hucchegowda, who is grand father of petitioner ?
2. What order?

9. **My findings on the above points are as under:**

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

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

REASONS

10. **Point No.1:** As could be seen from the records, inspite

of issuance of Notice which is published in Daily Newspaper, calling objections, if any, but no one has appeared and opposed petition.

11. In order to substantiate his contentions, petitioner led his evidence as PW1 and also examined one witness as PW.2 and got exhibited Ex's.P1 to P11.

12. I have gone-through the testimony of PW1. Ex.P1 is Will Deed executed by Appajigowda S/o Late Hucchegowda who is grand father of petitioner. On 15.03.2023, Appajigowda S/o Late Hucchegowda executed Will and same is presented before Revenue authority for change of katha. In that regard, petitioner produced the Will Deed dated 15.03.2023, order issued by Tahasildar, Periyapatha Taluk, Death certificate of Appajigowda, Aadhar card of petitioner, 7 No's. RTCs, as per Ex's.P1 to P11. In the Will Deed, detailed description of property, which have been bequeathed in favour of petitioner is indicated. Kannada Daily Newspaper is Advertisement/Public notice calling objections. But, no one has appeared and no objections are received by this court.

13. It is contended that, after the death of the executant, the petitioner came in possession of schedule property as indicated in the Will Deed.

14. Even on going-through the contents of documents, this court do not find any reasons to dis-believe the evidence of PW1. Though this Will Deed which is marked at Ex.P1 is executed on 15.03.2023, but it appears that, same has been acted upon, thus, this court have no compelling reasons either to reject or suspect the contention of petitioner about execution of Will Deed by testator by name Appajigowda S/o Late Hucchegowda. Further, I have reason to believe that, Ex.P1 is genuine Will Deed executed by Appajigowda S/o Late Hucchegowda. Therefore, petitioner who is beneficiary under Will Deed is entitled to get Probate on Ex.P1/Will Deed. **Accordingly, this court answered Point No.1 in the 'Affirmative'.**

15. Point No.2 : In view of the above findings on Point No.1, petition filed U/S 276 of Indian Succession Act is to be allowed by issuance of Probate in respect of Will Deed dated 15.03.2023 which is executed by Appajigowda S/o Late

Hucchegowda. Being of that opinion, this court proceed to pass the following:

ORDER

Petition filed U/S 276 of Indian Succession Act is hereby allowed.

Accordingly, Office is directed to issue Probate, in respect of Ex.P1/ Will Deed dated 15.03.2023, only after securing requisite court fees and file be closed and consigned to Record Room.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the Open court on this the 15th day of April 2026)

(T.GOVINDAIAH),
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

APPENDIX

List of witness examined in favour of Petitioner :

PW.1 : Darshan.M

PW.2 : Ramesha

List of documents exhibited in favour of Petitioner :

- Ex.P1 : Will Deed dated 15.03.2023
- Ex.P2 : Order issued by Tahasildar, Periyapatna Taluk
- Ex.P3 : Death certificate of Petitioner
- Ex.P4 : Aadhar card of Petitioner
- Ex.P5 to 11: 7 No's. RTC's in respect of suit schedule property

List of witness examined in favour of Respondent :

- NIL -

(T.GOVINDAIAH),
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR