

KAMS400012462025



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC AT K.R.NAGARA**

P & SC No.3/2025

**PRESENT: Sri. Aravindra B.C., B.A., L.L.B.,
Senior Civil Judge & JMFC,
K.R.Nagar.**

DATED THIS THE 17th DAY OF MARCH, 2026

Petitioners : 1. Smt. Latha,
W/o Late D.S.Prakash,
Aged about 48 years.

2. Sri. Kiran D.S.P.,
S/o Late D.S.Prakash,
Aged about 28 years.

3. Bhoomika D.S.P.,
D/o Late D.S.Prakash,
Aged about 26 years.

All are R/at: No.9/79,
Arkanatha Road,
Ward No.9,
K.R.Nagar Town,
Mysuru District.

{ By Sri. P.D., Adv. }

-Vs-

Respondent : -NIL-

**ORDER**

The Petitioners have filed this petition under Section 372 of Indian Succession Act, seeking issuance of Succession Certificate in their favour.

2. It is the case of the petitioners is that, petitioners are the legal heirs of deceased D.S.Prakash. The petitioner No.1 is the wife and petitioner No.2 and 3 are the children of Late D.S.Prakash. The said D.S.Prakash was died intestate on 18.12.2024. The petitioners are the legal heirs of deceased D.S.Prakash are entitled to the properties left behind him. The said D.S.Prakash during his lifetime was saved in his savings bank account for a sum of Rs.59,652/- at Bank of Baroda, K.R.Nagar Branch.

3. Further, the petitioners have stated that, the deceased D.S.Prakash has not executed any Will with respect tot eh suit schedule property and he has not left any other class-I heirs, except the petitioner No.1 to 3 to succeed to the petition schedule property. Hence, this



petition was filed by the petitioners to grant the succession certificate in their favour.

4. In spite of issuance of public notice through daily newspaper, nobody appeared as respondent or raised objection.

5. In order to prove their case, the petitioner No.1 examined herself as PW.1 and got marked the documents at Ex.s.P1 to Ex.P4.

6. Heard arguments for the learned counsel for the petitioners.

7. Based on the above pleadings, the following points would arise for my consideration :-

1. Whether the petitioners are entitled for the Succession Certificate as prayed for?

2. What order?

8. After careful perusal of the material and evidence placed on record, the findings to the above points are as follows;

Point No.1 : In the Affirmative.



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

REASONS

9. **Point No.1:-** According to petitioners, the petitioners are the legal heirs of deceased D.S.Prakash. The said D.S.Prakash was died on 18.12.2024 leaving behind the petitioners as his legal heirs. Further it is stated that, the husband of petitioner No.1 and father of petitioner No.2 and 3 was saved in his saving bank account for a sum of Rs.59,652/- at Bank of Baroda, K.R.Nagar Branch. Now they have intended to draw the said amount. But, the concerned authorities have asking for protection of succession certificate. Accordingly, the petitioners have filed the present petition.

10. In spite of issuance of public notice through daily newspapers i.e., 'Times of Karnataka' and 'Rajya Dharma', dated 25.10.2025 which were circulated at Mysuru and other districts. Nobody appeared as Respondent/Objector.



11. Before appreciation of the pleadings, this court glance the statutory provision of Indian Succession Act.

A Succession Certificate, under the Indian Succession Act is a document that gives authority to the person who obtain it, to represent the deceased for purpose of collecting debts and securities due to him or payable in his name. Section 370 empowers grant of Succession Certificate in respect of debts and Securities only.

A Succession Certificate is generally issued to legal heirs of deceased person under Section 372 of Indian Succession Act, a Succession Certificate is an order granted by the court to the successors of the deceased on the application made by them as legal heirs. If a person passes away without leaving a Will. A succession securities and debts of the deceased person. An application for issuance of succession certificate can be made in respect of any debt or debts due to the deceased creditor or in respect of portion.

12. The main object of Succession Certificate is to facilitate collection of debts and security. In the present case on perusal of the petition, it is stated that the



deceased person had debts and securities as defined under Section 371[2] of the Indian Succession Act.

13. It is relevant to mention **Section 370[2] of Indian Succession Act, 1925**, which reads as under;

[2] For the purpose of this part Security means

a] any promissory note, debenture, stock or other security of the Central Government or of a State Government.

b] any bond, debenture or annuity charged by the Act of parliament on the revenues of India.

c] any stock or debenture of, or share in, a company or other incorporated institution.

d] any debenture or other security for money issued by, or on behalf of, a local authority.

e] any other security which the [State Government] may, by notification in the official Gazette, declare to be a security for the purpose of this Act.

14. In the present petition, the petitioners claims succession certificate to claim estate of deceased D.S.Prakash which comes under clause (d) of Section 371 of Indian Succession Act-1925.



15. According to petitioners, the petitioners are the legal heirs of deceased D.S.Prakash. In order to prove the same, 1st petitioner has produced genealogical tree at Ex.P2 issued by the revenue department. The Ex.P2 reveals that the said D.S.Prakash has died leaving behind the petitioners as his legal heirs. No one can dispute the relationship of the petitioners with the deceased D.S.Prakash. Further, it is noticed that the petitioners taken public notice through daily newspapers and same were published on 25.10.2025, but nobody appeared before this court for oppose the petition filed by the petitioners.

16. Further important note that, the oral and documentary evidence of PW.1 remains unchallenged. Therefore, there is no reasons to disbelieve the case of the petitioners. Hence, by considering the oral and documentary evidence and also the fact that nobody opposed this petition. The petitioners being the successors of deceased D.S.Prakash and they are entitled for Succession Certificate as prayed for in the



schedule of the petition. **Hence, Point No.1 is answered in the Affirmative.**

17. **Point No.2:-** In view of the above discussion, reasons stated and findings given to point No.1, this court proceed to pass the following;

ORDER

The petition filed by the Petitioners is hereby allowed.

It is held that petitioners are entitled for Succession Certificate, to release the amount which was saved by the deceased D.S.Prakash in his saving bank account for a sum of Rs.59,652/- subject to payment of Court fee as per the provisions of Karnataka Court Fees and Suit Valuation Act, 1958 and Section 379 of the Succession Act, 1925.

Office is directed to issue Succession Certificate in favour of petitioners as prayed for.

No order as to the cost.

(Dictated to the Stenographer on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 17th day of March, 2026).

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**



ANNEXURE

List of witnesses examined for the petitioner/s:

PW-1 : Smt. Latha

List of documents exhibited for the petitioner/s:

Ex.P1 : Death certificate of D.S.Prakash

Ex.P2 : Certified copy of Genealogical tree

Ex.P3 : Certified copy of Survival certificate

Ex.P4 : Bank statement

List of witnesses examined for the Respondent:

-NIL-

List of documents exhibited for the Respondent:

-NIL-

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**