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**IN THE COURT OF THE III ADDL. DIST & SESSIONS JUDGE,
RAMANAGARA**

PRESENT

**Sri. S.A.Hidayathulla Shariff, B.A.,LL.M.,
III Addl. Dist. & Sessions Judge, Ramanagara**

Dated this the 22nd day of July 2026

P & SC No.8/2024

- Petitioners:**
1. Sri. Mariveeraiah,
S/o. Late Maralaiah
& Smt.Ramamma @ Masanamma,
Aged about 69 years,
 2. Smt.Chandramma,
W/o Late Chikkanna,
Aged about 64 years,
 3. Sri.Kiran Kumar C.,
S/o Late Chikkanna,
Aged about 31 years,
 4. Sri.Arun Kumar C.,
S/o Late Chikkanna,
Aged about 34 years,
 5. Sri.Nagaraju,
S/o Late Maralaiah
& Smt.Ramamma @ Masanamma,
Aged about 64 years,
 6. Sri.Raja,
S/o Late Maralaiah
& Smt.Ramamma @ Masanamma,
Aged about 55 years,

R/at Halasinamaradadoddi Village,
Kenchanakuppe Dhakhle, Bidadi Hobli,

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Ramanagara Taluk,
Ramanagara District.

(Reptd. by Sri.A.B.S., Advocate)

-Vs-

Respondent:

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ORDERS

The petitioners have filed this petition under Section 276 of Indian Succession Act, to grant Probate with respect to execution of registered Will dated 19.12.2014 by testator Ramamma @ Masanamma in favour of the petitioners.

2. The case of petitioners in brief is that, the petitioners No.2, 5 and 6 and one Chikanna are the four sons of Maralaiah and his wife Ramamma @ Masanamma. Petitioner No. 2 to 4 are the wife and children of late Chikkanna, one of the sons of Maralaiah and Smt. Ramamma @ Masanamma. The petition schedule lands are the self-acquired properties of testator Ramamma @ Masanamma, who had acquired the same under a Registered Sale Deed dated 28.06.1966. In pursuance of Purchase of the petition schedule lands, Katha of the petition schedule lands was mutated in the name of Ramamma @ Masanamma. Ramamma @ Masanamma was enjoying the petition schedule lands as

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absolute owner in possession of the same. Ramamma @ Masanamma as a result of her love and affection towards the petitioners has executed a registered will dated 19.12.2014 by bequeathing the petition schedule lands in favour of the petitioners. Testator Ramamma @ Masanamma died on 19.03.2018. After the death of Testator Ramamma @ Mahanamma, the petitioners being the legatees under the registered Will dated 19.12.2014 are required to get probate with regard to execution of the registered Will by Testator to produce the same before revenue authorities. The testator Ramamma @ Masanamma died in Halasinamaradadoddi, Bidadi Hobli, Ramanagara Taluk, within the jurisdiction of the court. The petition schedule lands are also situated within the jurisdiction of the court.

3. After filing of the petition, public notice of the petition was published in a Kannada State Daily Newspaper by name **Suvarna Times of Karnataka dated 21.07.2024**. Even after publishing of public notice pertaining to filing of the present petition, no interested persons appeared before the Court contesting the present petition.

4. In proof of their case, the petitioners have got examined the 1st petitioner as PW.1 and examined two

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witnesses as PW.2 & 3. Ex.P1 to P12 documents were tendered in evidence of the petitioners.

5. Heard learned counsel for the petitioners.
Perused the materials placed on record.

6. The points that arise for consideration are:

1. **Whether the petitioners prove the execution of the registered Will dated 19.12.2014 by testator Ramamma @ Masanamma bequeathing the petition schedule lands in their favour?**
2. **Whether the petitioners are entitle for grant of probate with respect to execution of registered Will dated 19.12.2014?**
3. **What Order?**

7. My findings on the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: In the Affirmative.

Point No.3: As per final Order, for the following:-

:REASONS:

8. **POINT NO.1 & 2:** Since these two points are interconnected with each other, to avoid repetition of facts and findings, these two points are taken up together for consideration.

9. In proof of the case of the petitioners, the 1st petitioner has filed his affidavit by way of his evidence and got himself examined as PW.1. PW.1 in his evidence has

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deposed that, the petitioners No.2, 5 and 6 and one Chikanna are the four sons of Maralaiah and his wife Ramamma @ Masanamma. Petitioner No. 2 to 4 are the wife and children of late Chikkanna, one of the son of Maralaiah and Smt. Ramamma @ Masanamma. The petition schedule lands are the self-acquired properties of testator Ramamma @ Masanamma, who had acquired the same under a Registered Sale Deed dated 28.06.1966. In pursuance of Purchase of the petition schedule lands, Katha of the petition schedule lands was mutated in the name of Ramamma @ Masanamma. Ramamma @ Masanamma was enjoying the petition schedule lands as absolute owner in possession of the same. Ramamma @ Masanamma as a result of her love and affection towards the petitioners has executed a registered will dated 19.12.2014 by bequeathing the petition schedule lands in favour of the petitioners. Testator Ramamma @ Masanamma died on 19.03.2018. After the death of Testator Ramamma @ Mahanamma, the petitioners being the legatees under the registered Will dated 19.12.2014 are required to get probate with regard to execution of the registered Will by Testator to produce the same before revenue authorities.

10. PW-1 in his evidence has produced Ex.P1 to 12 documents. Ex.P1 is the registered Will dated 19.12.2014

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executed by Testator Ramamma @ Masanamma in favour of the Petitioners. A perusal of recitals of Ex.P1 registered Will dated 19.12.2014 discloses that, testator Smt.Ramamma @ Masanamma, as a result of her love and affection towards the petitioners who are her sons, daughter-in-law and grandchildren, in sound disposing state of mind has executed the will by bequeathing the petition schedule lands which are her self-acquired properties in favour of the petitioners in presence of two witnesses by name Rathnamma and A. Anand. Testator Smt.Ramamma @ Masanamma shown to have affixed her LTM to all the pages of the Will and witnesses by name Rathnamma, Chikkamma, Anand and Mutturaj shown to have affixed their attesting signatures to the Will and one M.R.Shivaswamy is shown as the scribe of the Will.

11. A perusal of the recitals of Ex.P2 & 3, the registered sale deeds dated 25.08.1968 and 28.06.1966 discloses that, testator Ramamma @ Masanamma has purchased the petition schedule land bearing Survey No.207 measuring 1.10 acre and Sy No.208 measuring 1.00 acre. Ex P4 & P5 are the RTC Extract with respect to petition schedule Survey No. 208/2 measuring 1.06 acre and Sy No.207/1 measuring 1.00 acre standing in the name of Testator Ramamma @ Masanamma for the year 2024-2025, wherein Testator Ramamma @ Masanamma is

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shown as the khathedar in possession of the said lands. Ex.P6 to 11 are the Aadhaar Cards of the petitioners. Ex.P12 is the Death Certificate of Testator Ramamma @ Masanamma wherein her date of death is shown as 19.03.2018.

12. The Hon'ble High Court of Karnataka, Bengaluru in the decisions rendered in **MFA No.5120/2023 dated 27.09.2023 between K.M.Somaiah Vs NIL** and in **MFA 4399/2023 dated 01.02.2024 between M.R. Mohankumar and Others Vs NIL** has held there is no bar to grant probate in respect of a Will in favour of beneficiary of a Will and the bar created under Section 222 of Indian Succession Act will not come in the way of grant of probate with respect to Will in favour of beneficiary.

13. With regard to the acceptance and proof of an unprivileged Will, the Apex Court of the land in a decision reported between **Ramabai Padmakar Paril Vs. Rukminibai Vishnu Vekhande and Others, reported in (2003) & SCC 537** has held that, Section 63 of the Indian Succession Act lays down that the testator shall sign or shall affix his mark to the Will or it shall be signed by some other person in his presence and by his direction. It is further lays down that the Will shall be attested by two or more witnesses, each of whom has seen the testator

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signing or affixing his mark to the Will or has seen some other person signed the Will, in the presence and on the direction of the testator and each of the witnesses shall sign the Will in presence of the testator. Section 68 of the Evidence Act mandates examination of one attesting witness in proof to a Will whether registered or not.

14. In the present case, to prove the execution of Ex.P1 registered Will dated 19.12.2014, by Testator Ramamma @ Masanamma in favour of the petitioners, petitioners apart from producing Ex.P1 registered Will have got examined PW2 / Anand A. as one of the attesting witness of the Will. PW.2 / Anand A. has given evidence supporting the case of petitioner stating that on 19.12.2014, testator Ramamma @ Masanamma in presence of the attesting witnesses of the Will has executed Ex.P1 registered will dated 19.12.2014 by affixing LTM to the Will. He was present when the testator has executed the Will. He has affixed his attesting signature to Ex.P1 Will. PW.2/ Anand A. in his evidence has identified the LTM of Testator Ramamma @ Masanamma found on Ex.P1 registered Will and also identified Ex.P1(a) as his attesting signature.

15. Petitioners have got examined PW./3 Shivaswamy M.R. as the scribe of the Will. PW.3 has

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given evidence stating that on the instructions of Testator Ramamma @ Masanamma he has drafted Ex.P1 registered Will. PW.3 in his evidence has identified Ex.P1(d) as his scribe signature found on the Will.

16. By going through the contents of Ex.P1 registered Will dated 19.12.2014 and by considering the evidence of PW.2/ Anand A. one of the attesting witnesses of the registered Will, this Court is of the opinion that petitioners have proved execution of Ex.P1 registered Will dated 19.12.2014 by Testator Smt.Ramamma @ Masanamma in their favour by bequeathing the petition schedule lands as required under Section 68 of Evidence Act.

17. In the present case, in response to the publication of public notice with regard to filing of the present petition, no interested persons appeared before the court by contesting the present petition. On the other hand, petitioners have proved execution of Ex.P1 Will dated 19.12.2014 by testator Ramamma @ Masanamma in their favour bequeathing the petition schedule lands and also proved the death of testator Ramamma @ Masanamma on 19.03.2018. Under these circumstances, this Court is of the opinion that petitioners have made out grounds to issue probate under the provisions of Indian

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Succession Act with respect to execution of Will dated 19.12.2014 by testator Ramamma @ Masanamma in favour of the petitioner. With these observations, I answer point No.1 and 2 in the **Affirmative**.

18. **POINT No.3:-** In view of my findings on point No.1 and 2 in the Affirmative and the reasons assigned thereon, I proceed to pass the following: -

:ORDER:

The petition filed by the petitioners under Section 276 of Indian Succession Act is allowed.

Office is directed to issue probate with respect to the execution of the registered Will dated 19.12.2014 by testator Ramamma @ Masanamma in favour of the petitioners with respect to petition schedule lands, as per law.

Office to issue probate in accordance with the provisions of Indian Succession Act, after collecting the necessary Court Fee.

(Dictated to the Stenographer Grade III, transcribed by her, corrected by me and then pronounced in the open Court on this the 23rd day of June, 2026.)

(S.A.Hidayathulla Shariff)
III Addl. District & Sessions Judge,
Ramanagara.

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**:ANNEXURES:****List of witnesses examined for the petitioner:-**

P.W.1 : Mariveeraiah
P.W.2 : Anand A.
P.W.3 : Shivaswamy M.R.,

List of Exs marked for the petitioner:-

Ex.P.1 : Registered Will dated 19.12.2014
Ex.P1(a) : Signature of PW.2 in Ex.P1.
Ex.P1(b) : Signature of Rathnamma.
Ex.P1(c) : Signature of Mutturaj.
Ex.P1(d) : Signature of PW3.
Ex.P.2 : Original sale deed dated 25.08.1968.
Ex.P.3 : Original sale deed dated 28.06.1966.
Ex.P.4 & 5 : RTC's Extracts.
Ex.P.6 to11: Original Aadhaar Cards of the petitioners.
Ex.P.12 : Death Certificate of Ramamma @ Masanamma

(S.A.Hidayathulla Shariff)
III Addl. District & Sessions Judge,
Ramanagara.