



**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 10th day of July 2026

P & SC No.07/2025

Petitioner : Smt.Narasamma,
W/o Late Lakshmana,
Aged about 46 years,
R/at No.4, Near Sai Baba Temple,
Hunasemaradapalya,
Ramohalli Post,
Kengeri Hobli,
Bengaluru.

(Reptd. by Sri.Somashekhara, Advocate)

-Vs-

Respondent: N I L

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ORDERS

The petitioner has filed this petition under Section 276 of Indian Succession Act, for grant of Probate with respect to execution of registered Will dated 30.03.2022 by testator Huchamma in favour of the petitioner.

2. The case of petitioners in brief is that, she is the daughter-in-law of Huchamma and Late Chikkadoddaiah. Huchamma and Chikkadoddaiah had six children. She is the wife of Lakshmana, one of the son of Huchamma and



Chikkadoddaiah. All the children of Huchamma and Chikkadoddaiah were married and staying separately with their families. She was taking care of her mother-in-law Huchamma. The suit schedule lands are the self-acquired properties of the testator Huchamma. Huchamma had acquired Item No. 1 to 3 of the suit schedule lands under a registered Sale dated 11.12.2012. Huchamma had acquired Item No. 4 of the Schedule lands under registered sale dated 13.03.2013. After purchase of the petition schedule lands, the khatha of the petition schedule lands muted in the name of Huchamma and Huchamma was the absolute owner in possession of the petition schedule lands. Huchamma, the mother-in-law of the petitioner, as a result of her love and affection towards the petitioner, in a sound disposing state of mind has executed a registered Will dated 30.03.2022 in favour of the petitioner bequeathing the petition schedule lands. Huchamma died on 26.08.2023. Petitioner being the legatee under the will dated 30.03.2022 executed by testator Huchamma required probate with regard to execution of the Will.

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 25.04.2025. 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 her case, the petitioner got herself examined as PW.1 and has examined two witnesses as PW.2 & 3. Ex.P1 to P8 documents were tendered in evidence of the petitioner.

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

6. The points that arise for consideration of this court are:

1. **Whether the petitioner proves the execution of registered Will dated 30.03.2022 by testator Huchamma bequeathing the petition schedule lands in her favour?**
2. **Whether the petitioner is entitle for grant of probate with respect to execution of registered Will dated 30.03.2022?**
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 her case, petitioner has filed her affidavit by way of her evidence and got herself examined as PW.1.



PW.1 in her evidence has deposed that, she is the daughter-in-law of Huchamma and Late Chikkadoddaiah. Huchamma and Chikkadoddaiah had six children. She is the wife of Lakshmana, one of the son of Huchamma and Chikkadoddaiah. All the children of Huchamma and Chikkadoddaiah were married and staying separately with their families. She was taking care of her mother-in-law Huchamma. The suit schedule lands are the self-acquired properties of the testator Huchamma. Huchamma had acquired Item No.1 to 3 of the suit schedule lands under registered Sale deed dated 11.12.2012. Huchamma had acquired Item No. 4 of the schedule lands under a registered sale dated 13.03.2013. After purchase of the petition schedule lands, the khatha of the petition schedule lands muted in the name of Huchamma and Huchamma was the absolute owner in possession of the petition schedule lands. Huchamma, the mother-in-law of the petitioner, as a result of her love and affection towards the petitioner, in a sound disposing state of mind has executed a registered Will dated 30.03.2022 in favour of the petitioner bequeathing the petition schedule lands. Huchamma died on 26.08.2023.

10. PW-1 in her evidence has produced Ex.P1 to P8 documents. Ex.P1 is the registered Will dated 30.03.2022 shown to have been executed by the testator Huchamma in



favour of her daughter-in-law by name Narasamma by bequeathing the petition schedule lands. A perusal of recitals of Ex.P1 Will discloses that, testator Huchamma as a result of her love and affection towards her daughter-in-law, in sound disposing state of mind, in presence of two witnesses by name Kumar and Karthik has executed the Ex.P1 Will by bequeathing the petition schedule lands in favour of the petitioner. Testator Huchamma shown to have affixed her LTM to the Will. Kumar and Karthik are the two attesting witnesses of the Will shown to have affixed their attesting signatures to the will. One Shridhar advocate is shown as the scribe of the will.

11. A perusal of contents of Ex.P2, Death Certificate of testator Huchamma discloses that, her date of death is 26.08.2023. Ex.P3 to P6 are the RTC's Extracts with respect to petition schedule lands for the year 2024-2025, wherein testator Huchamma shown as the khathedar in possession of the petition schedule lands. Ex.P7 & 8 are the mutation register extracts with respect to change of Khatha of the petition schedule lands in the name of testator in pursuance of purchase of the suit schedule lands under registered sale deeds.

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 lands 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 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 30.03.2022 by testator Huchamma in favour of petitioner, petitioner apart from producing Ex.P1



will in her evidence has got examined PW.2 / Karthik as one of the attesting witness of the Will. PW.2 / Karthik has given evidence supporting the case of the petitioner stating that on 30.03.2022, testator Huchamma in sound disposing state of mind has executed Ex.P1 Will in his presence and affixed her LTM to the Will. He being one of the attesting witness of the Will has affixed his attesting signature to Ex.P1 Will in presence of testator Huchamma. PW2, Karthik in his evidence has identified the LTM of testator Huchamma on Ex.P1 Will and also identified Ex.P1(a) as his attesting signature on the Will.

15. To prove the execution of Ex.P1 Will petitioner got examined PW.3 / Shridhar S. advocate as the scribe of the Will. PW.3/ Shridhar in his evidence has deposed on 30.03.2022, as per the instructions given by testator Huchamma, he got the Will prepared and in presence of two attesting witnesses, Huchamma has executed the Will by putting her LTM on the Will. The two attesting witnesses also put their attesting signatures to the Will. He has signed Ex.P1 Will as the scribe of the Will. PW3 in his evidence has identified the LTMs of testator Huchamma found on Ex.P1 Will and also identified Ex.P1(b) as his scribe signature found on the Will.

16. By going through the contents of Ex.P1 registered will dated 30.03.2022 and by considering the evidence of PW2-



Karthik, one of the attesting witness of the Will and PW3-Shridhar S., the scribe of the Will, this court is of the opinion that, petitioner has proved the execution of Ex.P1 registered Will dated 30.03.2022 by testator Huchamma in favour of the petitioner 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 respect to filing of the present petition, no interested persons appeared before the court by contesting the present petition. On the other hand petitioner has proved execution of Ex.P1 registered Will dated 30.03.2022 by testator Huchamma in her favour bequeathing the petition schedule lands and also proved the death of testator Huchamma on 26.08.2023. Under these circumstances, this Court is of the opinion that petitioner has made out grounds to issue probate under the Provisions of Indian Succession Act with respect to execution of registered Will dated 30.03.2022 by Testator Huchamma in favour of 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 petitioner 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 30.03.2022 by testator Huchamma in favour of the petitioner 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 10th day of July, 2026.)

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

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

P.W.1 : Smt.Narasamma
P.W.2 : Sri.Karthik C.,
P.W.3 : Sri.Shridhara S.

**List of exhibits marked for the petitioner:-**

- Ex.P.1 : Will dated 30.03.2022
Ex.P1(a) : Signature of PW2.
Ex.P1(b) : Signature of PW3.
Ex.P.2 : Death Certificate of Smt.Huchamma
Ex.P.3 to 6: RTC's Extracts
Ex.P.7 & 8 : Mutation Register Extracts

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