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**IN THE COURT OF II ADDL. DISTRICT AND SESSIONS
JUDGE AT: Bengaluru South District
(SITTING AT Kanakapura)**

Present:

Madhusudhanaram K.V. B.A.L.L.B.,
II Addl. District & Sessions Judge,
Bengaluru South District,
(Sitting at Kanakapura).

Dated: 29th Day of July 2026

P & SC.No.5028/2025

- Petitioners:**
1. Sri. Abhishek.B.R
S/o Ramachandra
Aged about 35 years,
 2. Sri. Siddamariyappa
S/o Ramachandra
Aged about 33 years,

Both are R/o:
Banavasi Village,
Maralawadi Hobli,
Harohalli Taluk,
Bengaluru South District.

(By Sri.K.B.Krishnamurthy, Advocate)

-V/s-

Respondent : Nil



JUDGMENT

This petition is filed by the petitioners No.1 and 2 under Section 222 of Indian Succession Act 1925 praying to grant the probate certificate declaring that, petitioners No.1 and 2 are having absolute owners to manage, look after and to enjoy the possession, occupation as title owner on the basis of Registered Will with respect to land bearing Sy.No.99/14 measuring to an extent of 0.03 guntas, Sy.No.125/9 measuring to an extent of 0.09 guntas, Sy.No.126/2 measuring to an extent of 0.02 guntas, Sy.No.126/2 measuring to an extent of 0.04 guntas, Sy.No.126/7 measuring to an extent of 0.07.04 guntas, Sy.No.126/7 measuring to an extent of 0.06.12 guntas, Sy.No.127/3 measuring to an extent of 0.01 guntas, Sy.No.215 measuring to an extent of 1 acre 0.39.08 guntas, and vacant site in K.No.152900201900620009, property No.226/157 measuring East to West 20.574 meters and North to South 18.8976 meters totally 169.32 Square Meters and 219.48 Square Meters Mangalore tiled roof house, all are situated at Banavasi Village, Maralawadi Hobli, Kanakapura Taluk, Bengaluru South District and the properties are standing in the name of deceased Sri.Siddegowda @ Karigowda S/o Doddabairegowda and his wife Smt.Ankamma W/o Siddegowda @ Karigowda.



2. The petitioners No.1 and 2 contended that, one Siddegowda @ Karigowda was the original propositors and he had a wife by name Smt.Ankamma, both are died issueless. During their life time, the original propositors was in physical possession and enjoyment of the agricultural landed properties bearing Sy.No.99/14 measuring to an extent of 0.03 guntas, Sy.No.125/9 measuring to an extent of 0.09 guntas, Sy.No.126/2 measuring to an extent of 0.02 guntas, Sy.No.126/2 measuring to an extent of 0.04 guntas, Sy.No.126/7 measuring to an extent of 0.07.04 guntas, Sy.No.126/7 measuring to an extent of 0.06.12 guntas, Sy.No.127/3 measuring to an extent of 0.01 guntas, Sy.No.215 measuring to an extent of 1 acre 0.39.08 guntas, and vacant site in K.No.152900201900620009, property No.226/157 measuring East to West 20.574 meters and North to South 18.8976 meters totally 169.32 Square Meters and 219.48 Square Meters Mangalore tiled roof house, all are situated at Banavasi Village, Maralawadi Hobli, Kanakapura Taluk, Bengaluru South District, which are the ancestral joint family properties and self acquired properties of the original propositous.

3. The petitioners No.1 and 2 contended in para No.3 of the petition is that, during the life time of the Sri.Siddegowda @ Karigowda and Smt.Ankamma were in



physical possession and enjoyment of the petition schedule properties and the katha of the same were transferred in their names vide MR. No.4/1992-93, 22/1994-95, 41/1992-93 and 40/1995-96 respectively. Further during their life time they were no issue at all. Hence, they have decided to adopt the petitioners No.1 and 2 who are the sons of Sri.Ramachandra. The said Ramachandra is the son of Smt.Eramma and Sri.Ninganna, and they have adopted the petitioners No.1 and 2. On 21.04.2016 the said Siddegowda @ Karigowda was died and his wife died on 22.04.2025, the petitioners No.1 and 2 are the legal heirs. The said petitioners No.1 and 2 are the owners in possession and enjoyment of the petition schedule properties without anybodies interference, but the katha of the same still standing in the names of original propositous and his wife.

4. The petitioners No.1 and 2 further contended in para No.4 of the petition is that, the petitioners were looking after all the affairs of Siddegowda @ Karigowda and Smt.Ankamma, they were suffering from old age deceased, they were looking after from the petitioners with love and affection by providing their day-to-day necessities. Further, the petitioners No.1 and 2 have nourished and cherished the above said original propositors and his wife and performed their last rites. During the life time of said



Siddegowda @ Karigowda and his wife they have bequeathed the petition schedule properties in favour of the petitioners No.1 and 2 by executing a registered Will deed dated 25.11.2015. Subsequently to their death, as a legatee and beneficiaries of the said Will the petitioners No.1 and 2 and acquired the petition schedule properties, after their death, the petitioners are in possession of the petition schedule properties as its absolute owners and said Will is duly registered in book No.3 document No.KNK-3-00128-2015-16, CD No.KNKD379, dated 25.11.2015 in the office of the Sub-Registrar, Kanakapura.

5. Paper publication/Citation was published by the petitioner in Udayakala Kannada Daily News Paper dated:13.01.2026 to notified the general public about institution of the petition seeking probate. However, no person had appeared before the court rising any objections.

6. To prove the petition averments, the petitioner No.1 examined himself as PW-1 and scribe of the registered Will deed namely Mohankumar.R, is examined as PW-2 and got marked as many as 15 documents i.e., Ex.P-1 to Ex.P-15 and closed petitioners side of evidence.

7. Heard the arguments of petitioners and perused the records.



8. The following points arose my consideration are:

***1) Whether the petitioners No.1
and 2 are entitled to a probate
certificate?***

2) What order?

9. My findings to the above points are as under:

Point No.1 : In the Affirmative;

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

:REASONS:

10. Point No.1:- The case of the petitioners No.1 and 2 are that, petitioners No.1 and 2 are the grandsons of the deceased Sri.Siddegowda @ Karigowda and his wife Smt. Ankamma, who are none other than testator and testatrix of the Registered Will dated:25.11.2015 and they have bequeathed the petition schedule properties in their favor with a conditions that petitioners No.1 and 2 shall succeed the property after the demise of testator and testatrix. The testator died on 21.04.2016 and and testatrix died on 22.04.2025.

11. It is pertinent to mention that, according to the contents of Ex.P-1 is the Registered Will dated:25.11.2015,



Sri.Siddegowda @ Karigowda S/o Doddabairegowda, Age about 75 years and his wife by name Smt.Ankamma W/o Siddegowda @ Karigowda, Age about 65 years, have executed the Registered Will on 25.11.2015 in favour of their grandsons by name Sri.Abhishek.R and Sri. Siddamariyappa, i.e., the petitioners No.1 and 2.

12. It is pertinent to mentioned that, the said deceased Sri.Siddegowda @ Karigowda S/o Doddabairegowda and his wife Smt.Ankamma W/o Siddegowda @ Karigowda had executed the Registered Will in the presence of attesting witnesses and handed over the Registered Will Deed to the petitioners No.1 and 2. Further it depicts that, after the demise of Sri.Siddegowda @ Karigowda S/o Doddabairegowda and his wife Smt.Ankamma W/o Siddegowda @ Karigowda, the petitioners No.1 and 2 have right to change the khatha of the petition schedule properties in their names.

13. The petitioner No.1 himself examined as PW-1 and scribe of the registered Will deed is examined as PW-2 and got marked Ex.P-1 to Ex.P-15 documents.

14. PW-1 Sri.Abhishek.B.R, S/o Ramachandra has reiterates the averments of the petition and got marked the Registered Will in question at Ex.P-1. Further, PW-1 has examined scribe to said document as PW-2 by name



Sri.Mohankumar.R. He states that, the deceased Sri.Siddegowda @ Karigowda S/o Doddabairegowda and his wife Smt.Ankamma W/o Siddegowda @ Karigowda have executed the Ex.P-1 Registered Will Deed in his presence and he identified his signature and the executant.

15. It is further pertinent to mention that, Ex.P-1 is the original Registered Will Deed dated:25.11.2015, Ex.P-2 is the notarized copy of G-Tree, Ex.P-3 to Ex.P-10 are the RTC Extracts pertaining to the petition schedule properties, Ex.P-11 is the copy of Mutation Extracts of the petition schedule properties, Ex.P-12 is the copy of Form No.9 issued by the Banavasi Grama Panchayath, Ex.P-13 is the copy of Form No.11A issued by the Banavasi Grama Panchayath, Ex.P-14 is the Death Certificate of deceased Sri.Siddegowda @ Karigowda S/o Doddabairegowda i.e., the Testator and Ex.P-15 is the Death Certificate of Smt.Ankamma i.e., the Testatrix.

16. It is further pertinent to mention that, scribe of the Registered Will is examined as PW-2, nothing is there on record to hold that Registered Will Deed was not executed in sound state of mind without free will and consent or it was executed due to force or fraud or misrepresentation.



17. It is further pertinent to mention that, **a Will is a commitment, desire, inclination and intention to bequeath and dispose of properties in the future in favour of the beneficiaries and a Will is a product of free and fair mind of testator/testatrix. Further, a Will is an instrument of testamentary disposition of property. It is a legally acknowledged mode of bequeathing a testator's/testatrix's property during his/her life time to be acted upon on his/her death and carries with it an element of sanctity. It speaks from the death of the testator/testatrix.**

18. It is further pertinent to mention that, ***a Will is the legal declaration of the intention of a testator/testatrix with respect to the petition schedule properties, which he/she desires to be carried into the effect after his/her death. A Will need not be in any particular form. It is sufficient it if contains the testamentary wishes of the deceased.***

19. It is further pertinent to mention that, ***the Will deed is sufficient to issue probate certificate and the probate court whilst granting probate does not even consider, particularly in uncontested matters, the motive behind execution of a testamentary instrument. Further, the probate court is only concerned with***



finding out whether or not the testator/testatrix executed the testamentary instrument of his/her free Will. It is well settled law that, the grant of probate does not confer title to property and question of title cannot be decided in probate proceedings. Thus, it is always open to a person to dispute title even though probate have been granted. And probate issued by a competent court is conclusive proof of the legal character through out the world, that the proceedings filed for grant of probate is not an action in law, but, it is an action in rem.

20. It is further pertinent to mention that, a Will is last Will of testator/testatrix, hence, the beneficiary was entitled to grant of probate. Probate will not come in the way of individual right of any other person over the petition schedule properties. Hence, the petitioner is entitled to probate certificate. With these specific observations, I answered **Point No.1 in the Affirmative.**

21. Point No.2:- Keeping in view of the findings already given on Point No.1, I proceed to pass the following.

ORDER

*The petition filed by the
petitioners No.1 and 2 u/sec.222 of*



Indian Succession Act is hereby allowed.

Consequently, due execution of Registered Will deed dated:25.11.2015 by Late Sri.Siddegowda @ Karigowda S/o Doddabairegowda and Smt.Ankamma W/o Siddegowda @ Karigowda in respect of petition schedule properties in favor of petitioners No.1 and 2 are proved.

Further, the office is hereby directed to issue certificate of probate subject to collection of requisite court fee and necessary stamp duty.

Further petitioners No.1 and 2 shall file list of inventories and accounts within six months from the date of this order.

(Dictated to Stenographer and same is typed by her and corrected, signed by me and then pronounced in the Open-Court on **29th day of July 2026**)

(Sri.Madhusudhanaram K.V.)
II Addl. Dist. & Sessions Judge
Bengaluru South District,
(Sitting at Kanakapura).

**ANNEXURE****1. List of witnesses examined for the Petitioner :**

PW.1: Abhishek.B.R
PW.2: Mohankumar.R

2. List of documents exhibited for the Petitioner :

Ex.P1 : Original Registered Will Deed
dated:25.11.2015
Ex.P1(a) : Signature of PW2
Ex.P2 : Notarized copy of G-Tree
Exs.P3 to 10 : RTC Extracts
Ex.P11 : Mutation Extracts
Ex.P12 : Copy of Form No.9
Ex.P13 : Copy of Form No.11A
Exs.P14 & 15 : Death Certificates of Testator
and Testatrix

3. List of Witnesses examined for the Respondent :

- NIL -

4. List of documents exhibited for the Respondent:

- NIL -

(Sri.Madhusudhanaram K.V.)
II Addl. Dist. & Sessions Judge
Bengaluru South District,
(Sitting at Kanakapura).