

KAVP020000662025



Presented on : 06-01-2025

Registered on : 09-01-2025

Decided on : 04-11-2025

Duration: 00 years, 09 months 29 days

IN THE COURT OF IV ADDITIONAL SENIOR CIVIL JUDGE

AND JMFC, VIJAYAPURA

Present:

Sri. SAMEER KOLLI., B.A.L.,LL.B.,

IV Addl. Senior Civil Judge and JMFC, Vijayapura

Dated this the 04th day of November 2025

:P & SC CASE No.04/2025:

Petitioner/s:

- 1. Ravi S/o Pandurang @ Vithal Chavan,**
Age:36 years, Occ.: Private job.
R/o: Pandurang Chavan, Gachchinakatti colony,
Vijayapura.

V/s.

Respondents:

- 1. The State of Karnataka represented by the
Deputy Commissioner, Vijayapura.**
- 2. The Managing Director,**
BLDE Deemed to be University,
Vijayapura.

Sri D.R.T, Advocate for petitioner.
Sri.ADGP for respondents.

:O R D E R:

The petitioner has filed this petition u/s.372 of Indian Succession Act, 1925 seeking to issue Succession Certificate in his favour.

2. *The brief facts of the petition are as under:*

The deceased Laxmi D/o Dundappa @ Dondiba Mane (maternal name) and after her marriage Laxmi wife of Vithal @ Panduranga Chavan died on 17.08.2024 at Vedant Multispeciality Hospital, Vijayapura, while she was in service at BLDE deemed to be University at Vijayapura and except the present the present petitioner there are no other legal heirs to the deceased and husband of deceased Vithal @ Pandurang Chavan has also died on 10.09.2008 at Vijayapura. The petitioner claims that deceased Laxmi was his natural mother and the petitioner being her sole legal heir is entitled to receive the PF amount and gratuity amount respondent No.2. the petitioner approached the respondent No.2 and filed an application seeking the PF and gratuity amount and the respondent No.2 is said to have intimated the petitioner to produce succession certificate. In the above back ground captioned petition is filed.

Objections filed by respondent No.1:

3. The respondent No.1 has filed objections contending that, denying the petition averments. According to the respondent

No.1, it may be true that petitioner is the son of deceased Laxmi who died on 17.08.2024 and it might also be true that the petitioner is the sole legal heir of deceased Laxmi. It is contended that, the above respondent has no personal knowledge regarding the debts and securities left by the deceased. The above respondent has also contended that, it might be true that, name of Smt. Laxmi changed after marriage as Laxmi W/o Vithal @ Pandurang Chavan and that she might be the natural mother of the petitioner. The other averments are denied and it is claimed that there is no cause of action to file the present petition. Thereby, respondent No.1 has sought to dismiss the petition.

Objections filed by respondent No.2:

4. The respondent No.2 has filed objections contending that, denying the petition averments. According to the respondent No.2, it may be true that petitioner is the son of deceased Laxmi who died on 17.08.2024 and it might also be true that the petitioner is the sole legal heir of deceased Laxmi. It is contended that, the above respondent has no personal knowledge regarding the debts and securities left by the deceased. The above respondent has also contended that, it might be true that, name of Smt. Laxmi changed after marriage as Laxmi W/o Vithal @ Pandurang Chavan and that she might be the natural mother of the petitioner. The other averments are denied and it is claimed

that there is no cause of action to file the present petition. Thereby, respondent No.2 has sought to dismiss the petition.

5. In order to prove his case, petitioner is examined as PW-1 and got marked 16 documents at Exs.P-1 to 16 and closed the side. In rebuttal, respondent No.1 and 2 have not adduced any evidence.

6. The learned counsel for petitioner has filed written arguments. Heard the learned DGP for respondent No.1 and 2.

7. Examined the oral and documentary evidence placed on record.

8. ***Based on the above pleadings, the following points arise for consideration:***

: POINTS:

- 1. Whether the petitioner proves that, deceased Laxmi Mane is his mother and she died while she was in service?*
- 2. Whether the petitioner proves that, he is the sole legal heir of deceased Laxmi Mane and thus, he is entitled for her service benefits?*
- 3. Whether the petitioner has made out prima-facie case to grant succession certificate in his favour as sought for?*

4. What order?

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

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

Point No.3 : In the Affirmative

Point No.4: As per final order

for the following:

:R E A S O N S:

10. **POINT No.1 and 2:** As both the points are inter related to each other, in order to avoid repetition of facts and evidence they are taken up together for discussion.

10.1. It is the specific case of the petitioner that, he is the sole legal heir of deceased Laxmi wife of Vithal @ Pandurang Chavan who died on 17.08.2024 at Vedant Multispeciality Hospital, Vijayapura, while she was in service at BLDE deemed to be University at Vijayapura and except the present petitioner there are no other legal heir to the deceased Laxmi and husband of deceased Vithal @ Pandurang Chavan also died on 10.09.2008 at Vijayapura and as such, he is entitled for succession certificate to get released the PF and gratuity amount of his deceased mother. Hence, this petition.

Documents produced by the petitioner:

11. EX.P.1 is the death certificate of Laxmi Mane. Ex.P.2 is

the EP of pension card of Laxmi Mane. Ex.P.3 is the death certificate of Vithal. Ex.P.4 is the true copy of RTC extract of Sy.No.737/2. Ex.P.5 is the true copy of e-Pehchan Card. Ex.P.6 is the election ID card of Dundappa Mane. Ex.P.7 is the affidavit of Laxmi Mane. Ex.P.8 is the old ration card of Laxmi Mane. Ex.P.9 is the electoral card and its typed copy. Ex.P.10 and 11 are the Adhar cards of Ravi and Laxmi Mane. Ex.P.12 is the election card of Laxmi Mane. Ex.P.13 is the ration card Laxmi Mane. Ex.P.14 is the form DWPs No.1 and Ex.P.15 is the SBI passbook of Laxmi Mane. Ex.P.16 is the Kannadaprabha news paper. Ex.P.16 (a) is the relevant entry.

Evidence of petitioner:

12. PW.1 has filed his examination- in- chief by way of affidavit reiterating the contents of petition averments. He is fully cross-examined by the learned counsel for respondents.

Submissions:

13. The learned counsel for the petitioner has filed written arguments contending that deceased Laxmi is the mother of the petitioner herein and she died while in service in BLDE deemed to be University during her course of employment on 17.08.2024 leaving behind the petitioner as the sole legal heir. Except the petitioner there are no other legal heirs of deceased and even the husband of has also pre-deceased her on 10.09.2008. He has

further contended that the petitioner is entitled to receive the PF and other gratuity benefits of deceased from respondent No.2 for which he had approached respondent No.2 and filed necessary application. The respondent No.2 is said to be intimated the petitioner to produce the succession certificate for availing the benefits. He has further contended that, the petitioner has produced all the necessary documents and even he has taken paper publication against public at large and none have appeared making a rival claim. He further contended that, if the petitioner is not issued with the succession certificate, in that event he cannot get the PF and gratuity amount released. Thus, he has sought to allow the petition.

14. Per contra, the learned District Government Pleader for respondents contended during the course of his arguments that, the respondents do not deny that the petitioner is legal heir of deceased Laxmi and he contended that, the death benefits of deceased can be released in favour of the petitioner only if the succession certificate is issued. He further contended that, the respondents will issue the death benefits in favour of any person who is the legal heir of deceased Laxmi. Thus, he has sought to dispose of the petition.

15. Having perused written arguments of learned counsel for the petitioner and having heard the learned District

Government Pleader for respondents, I have bestowed my thoughtful consideration to the rival contention and also to the oral and documentary evidence placed on record.

16. A perusal of EX.P.1 which is the death certificate reveals that deceased Laxmi Vithal Mane has died on 17.08.2024 and in the death her husband's name is entered as Vithal Mane. Ex.P.2 is Form -2 Employees Provident Fund Scheme, 1952 and Employees Pension Scheme, 1995. Ex.P.2 is the declaration and nomination form under the Employees Provident Fund Scheme and Pension Scheme.

17. A perusal of the contents of Ex.P.2 would reveal that, deceased Laxmi Vithal Mane has made her son Mr. Ravi Pandurang Chavan who is the petitioner herein as the nominee to receive the amount standing to her credit in the Employees Provident Fund.

18. Now, in the background of Ex.P.2, it is necessary to peruse Ex.P.5 which would indicate that, the deceased was working as an employee in BLDE deemed to be University and she was appointed on 12.12.1996 and in the family details name of the petitioner is shown as minor dependant son. Ex.P.5 is issued by the Registrar of BLDE (Deemed to be University), Vijayapura and thus, the contents of Ex.P.5 cannot be doubted and the respondents have also not denied the contents of Ex.P.2 and P-5.

19. Ex.P.3 is the death certificate of Mr. Vithal Chavan who has died on 10.09.2008. Now, it is necessary to go through Ex.P.10 to P-12 which are the Adhar cards of petitioner and his deceased mother which would reveal that the petitioner is the son of deceased Laxmi and Pandurang.

20. Ex.P.13 is the ration card of deceased Laxmi and even in the ration card also the petitioner is shown as the family member of the deceased. Ex.P.15 is the bank pass book of deceased Laxmi which indicates that she has an account in State Bank of India, BLDE Branch, Vijayapura.

21. The petitioner has taken a public notice against the public at large in Kannada Prabha Kannada Daily News Paper against the public at large calling upon them to appear in the court on 05.03.2025 and answer the claim of the petitioner and put forth if there are any rival claims of any of the public.

22. In spite of taking public notice in a widely circulated State level news paper, none have appeared making a rival claim against the claim put forth by the petitioner and none have appeared claiming to be the legal heirs of deceased Laxmi. In that view, considering the entries made in Ex.P.2, P-5 and P-13 and none having appeared making a rival claim, the petitioner is the sole legal heir of deceased Laxmi.

23. PW.1 has been subjected to the test of cross-examination in which it is elicited that, he has sought issuance of succession certificate for receiving the PF and other benefits of his deceased mother who was working as a sweeper in BLDE hospital. It is further elicited that, his father is also no more. Apart from the above, nothing worthwhile is elicited in the cross-examination.

24. The respondents have not adduced contra evidence to show that, the petitioner is not the sole legal heir of deceased Laxmi and further, they have not denied or disputed the contents of Ex.P.1, P-2, P-5, P-13 and P-16. When there is no any rebuttal evidence and when nothing worthwhile is elicited from the mouth of PW.1 in the cross-examination, considering the oral and documentary evidence placed on record it is crystal clear that the petitioner is the sole legal heir of deceased Laxmi who died on 17.08.2024 and the petitioner is entitled to receive the death emoluments of deceased Laxmi. Thus, in view of my above discussion I answer point No.1 and 2 in the affirmative.

25. **Point No.3:** The petitioner has produced Ex.P.5 in which there is a clear entry that, he is the minor dependent son of his mother to receive her pension and death benefits and he is the nominee to receive the benefits vide Ex.P.2. In spite of taking public notice in a widely circulated state level news paper, no

other person has appeared making a rival claim. Considering the oral and documentary evidence placed on record, it is clear that, the petitioner is the sole legal heir of deceased Laxmi and he is entitled to receive the PF and gratuity amount and other benefits of deceased Laxmi. Thus, I answer point No.3 in the affirmative.

26. **Point No.4:** In view of the findings on the above point No.1 to 3, I proceed to pass the following:

:ORDER:

The petition filed under section 372 of Indian Succession Act, 1925 is hereby allowed.

It is declared that the petitioner Mr. Ravi Pandurang @ Vithal Chavan is the sole legal heir of deceased Laxmi D/o Dundappa @ Dondiba Mane (maternal name) and after her marriage Laxmi wife of Vithal @ Panduranga Chavan who died on 17.08.2024.

The petitioner is entitled to receive the PF and gratuity amount and other service benefits of deceased Laxmi Mane from respondent No.2 by filing necessary application before the competent authority.

***Office to issue Succession Certificate in
favour of petitioner accordingly once stamp
paper is furnished.***

(Dictated to the Stenographer directly on computer, typed by her,
script revised, corrected, signed and then pronounced in the Open Court on
this **04th day of November 2025**)

**(Sameer Kolli.)
IV Addl.Sr.Civil Judge and
JMFC, Vijayapura.**

:Annexure :

Witnesses examined for petitioners:

PW-1 Ravi P. Chavan.

Documents exhibited for petitioners:

Exs.P series:

- 1.
2. Death certificate of Laxmi Mane.
2. EP of pension card of Laxmi Mane.
3. Death certificate of Vithal
4. True copy of RTC extract.
5. True copy of e-Pehchan Card.
6. Election ID card of Dundappa Mane.
7. Affidavit of Laxmi Mane.
8. Old ration card of Laxmi Mane.
9. Electoral card and its typed copy.
- 10-11. Adhar card of Ravi and Laxmi Mane.
12. Election card of Laxmi Mane.
13. Ration card Laxmi Mane.
14. Form DWPs No.1.
15. SBI passbook of Laxmi Mane.

16 Kannadaprabha news paper.

16(a) Its relevant entry.

Witnesses examined and
Documents exhibited for respondent:
Nil

(Sameer Kolli.)
IV Addl.Sr.Civil Judge and JMFC,
Vijayapura.

