



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS FIRST APPEAL NO. 2249 OF 2023 (ISA)

BETWEEN:

1. VIJAYA MURALI @ USHA MURALI
W/O LATE MURALI GOPALAN LATTEI
AGED ABOUT 64 YEARS,
RESIDING AT A -1201, RMZ,
YELAHANKA TRAFFIC POLICE STATION,
BENGALURU-560064.
 2. KARTHIK MURALI
S/O LATE MURALI GOPALAN LATTEI
AGED ABOUT 34 YEARS,
RESIDING AT 2318 SE 72ND AVENUE
PORTLAND OREGON 97215,
UNITED STATES OF AMERICA,
REPRESENTED BY POWER OF ATTORNEY HOLDER
VIJAYA MURALI @ USHA MURALI
- ...APPELLANTS
- (BY SRI. RAMANA M.V.V., ADVOCATE)



AND:

NIL

...RESPONDENT

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 388 OF THE INDIAN SUCCESSION ACT, 1925.



THIS MISCELLANEOUS FIRST APPEAL IS LISTED FOR ADMISSION, THIS DAY, THE JUDGMENT IS DELIVERED AS UNDER:

ORAL JUDGMENT

Sri.Ramana.M.V.V., counsel for the appellants has appeared through video conferencing.

2. The appeal is filed seeking the following reliefs:

"a. To set aside the order dated 01.08.2022 passed by the Court of Principal City Civil and Sessions Judge, Bengaluru, in P & SC No.721 of 2021 and the order passed in Review Petition No.24/2022 dated 11.01.2023 produced as Annexures A and C and to grant succession certificate to the Petitioners with respect to the Schedule B and C properties only.

b. To pass any other orders as this Court deems fit under the facts and circumstances of the case."

3. Counsel for the appellants urged several contentions. Heard the arguments and perused the papers with care.



4. Suffice it to note that one Mr.Murali Gopalan Latteri died on 13.10.2018 leaving behind his wife and the son as his legal heirs. Thereafter, an application for the grant of succession certificate under Section 372 of the Indian Succession Act, 1925 was presented by the legal heirs of deceased Murali Gopalan Latteri before the Trial Court in P & S.C.No.721/2021. It is noted that in the schedule, the properties were described and, in Schedule 'A' immovable properties were included and in Schedule 'B' and 'C' movable properties were included. The Trial Court rejected the petition holding that for immovable properties succession certificate cannot be granted.

5. Sri.Ramana.M.V.V., counsel appearing for the appellants in presenting his arguments submits that due to inadvertence, the immovable properties were included in the schedule 'A' of the petition. However, on instructions from the appellants, he submits that the appellants will now delete the immovable properties from the schedule 'A'



and therefore, the order may be set-aside and the matter may be remanded to the Trial Court to pass a suitable orders for the grant of succession certificate as far as the movable properties that are mentioned in schedule 'B' and 'C' of the petition.

6. The true copy of the memorandum of application is for the grant of succession certificate filed under Section 372 of the Indian Succession Act, 1925 is furnished along with the appeal memo and the same is marked as Annexure-B. I have perused the same with utmost care. The schedule 'A' includes the immovable properties. As the appellants have now undertaken to takeaway/delete the immovable properties from the schedule, there is no impediment for the Trial Court to pass appropriate orders in accordance with the law for the grant of succession certificate in respect of the movable properties that are mentioned schedule 'B' and 'C' of the petition. Therefore, the matter requires a remand.



7. Accordingly, the order dated 01.08.2022 passed by the Court of VII Additional City Civil and Sessions Judge (CCH-19) at Bengaluru in P & S.C.No.721/2021 and also the order dated:11.01.2023 passed in Review Petition No.24/2022 are set-aside and the matter is remanded to the Trial Court. As the appellants are represented by their respective counsel, they are directed to appear before the Court on **09.03.2026** without awaiting further notice from the Court.

8. Resultantly, the appeal is hereby ***allowed.*** Needless to observe that the Trial Court is directed to dispose of the case in accordance with the law within six weeks from the receipt of certified copy of this order.

**SD/-
(JYOTI M)
JUDGE**

CH
List No.: 1 Sl No.: 44