

(2011) 12 KAR CK 0103
In the Karnataka High Court
Case No : Prob. CP No. 6 of 2011

Smt. Kusum Bhat, Col. Prakash Manik Bhat (Retd.), Sri
Ramesh Bhat and Dr. Naresh Bhat

APPELLANT

Vs

Nil

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0103

Hon'ble Judges : B. Manager, J

Bench : Single Bench

Advocate : Vivek Holla, for M/s. Holla and Holla, for the Appellant;

Final Decision : Allowed

Judgement

B. Manager

1. The wife and children of the deceased Manik Bhat have filed this petition for grant of probate of the will dated 30.6.1997 executed by the said Manik Bhat. The testator died on 6.2.2000 leaving behind the said will. He was residing at No. 516, Indiranagar I Stage, Bangalore. The 1st petitioner is the wife and petitioners No. 2 to 4 are the children of Manik Bhat. The said will was executed by the deceased in the presence of two attesting witnesses. The petitioners have filed two affidavits of Sri Venkatesh Patil and Sri Bhimsen Rao Kulkarni, who are attesting witnesses to the said will. In the said affidavits, they have stated that they know the deceased Manik Bhat for more than 45 to 55 years and they were his family friends and well wishers. They also stated that the testator was of sound state of mind at the time of execution of the will. Further the beneficiaries of the will i.e. eight grand children of the testator have also filed affidavits as per Annexures-F to P stating that they have no objection for granting the probate in favour of the petitioners.

2. This Court by its order dated 2.11.2011 admitted the petition and permitted the petitioners to take out advertisement in Deccan Herald, English daily

newspaper notifying the date of hearing as 30.11.2011 and get the notice published on or before 20.11.2011 calling for objection. In view of the order passed by this Court, the petitioners had taken out paper publication on 17.11.2011 and a memo has been filed to that effect. In pursuance to the advertisement, nobody has filed objection for grant of probate in favour of the petitioners. The relationship of the deceased and the petitioners is not disputed. That apart, the two attesting witnesses of the will have also filed their affidavits and the grand children of the deceased, who are the beneficiaries, have no objection for grant of probate in favour of the petitioners. The petitioners have made out a case for grant of probate.

3. Accordingly, this petition is allowed. Probate is granted in favour of the petitioners subject to filing of inventory within six months and accounts within one year from this date.

4. The valuation of the property has already been paid by the petitioners. The petitioners are undertaken to pay the deficit valuation, if any.