



CNR: KAHC010178822022

NC: 2026:KHC:47056
PROB.CP No. 8 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

PROBATE CIVIL PETITION NO.8 OF 2022

BETWEEN:

MRS.SAVICA BARUA
NOW KNOWN AS SAVICA SEN
HINDU, AGED ABOUT 55 YEARS
W/O MR.MADHUSUDAN SEN
R/AT A-2, REGENCY PARK APARTMENTS
NO.24, HALL ROAD
RICHARDS TOWN,
BENGALURU - 560 005.

...PETITIONER

[BY SMT.ANN MARY GREEN, ADVOCATE (VC)]

AND:

NIL

...RESPONDENT

THIS PROB.CP IS FILED UNDER PART IX (SEC.270 AND 276) OF THE INDIAN SUCCESSION ACT, 1925, PRAYING TO ALLOW TO PROVE THE SAID WILL DATED 14.02.2020 IN COMMON FORM AND THAT PROBATE OF THE AFOREMENTIONED WILL TO HAVE EFFECT THROUGHOUT THE UNION OF INDIA, MAY BE GRANTED TO HER AND ETC.,

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS PETITION, COMING ON FOR *FINAL HEARING*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Seeking for grant of probate of *Will* dated 14.02.2020 executed by Shashikant Desai (***Testator***) bequeathing Flat no.A-2, Regency Park Apartments, No.24 Hall Road, Richards Town, Bangalore (***Apartment***) in favour of petitioner, this petition is filed.

2. Smt.Ann Mary Green, learned counsel for petitioner submitted that *Testator* was a Hindu, owner of *Apartment* which was his self acquired property and was residing therein. That, *Testator* executed a *Will* on 14.02.2020 bequeathing *Apartment* in favour of petitioner and died on 23.07.2021, while on a holiday at Hamburg, Germany. As per *Will*, petitioner was appointed as his executor and was sole legatee. *Will* was executed in presence of attesting witnesses who deposed in favour of petitioner. It was submitted that after filing of this petition, citation was taken out and there were no



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objections. Therefore, there was no impediment for grant of probate as sought.

3. Heard learned counsel and perused material on record.

4. This petition is filed for grant of probate of *Will* dated 14.02.2020 marked as Ex.P1. Perusal of *Will* reveals assertion by *Testator* about revocation of all previous *Wills* and *Codicils*, specifically, *Will* dated 09.04.2009 registered with Sub- Registrar, Ulsoor, Bangalore. Legatee herein is not a relative of *Testator*. *Will* seeks to cancel an earlier registered *Will*, there is no assertion either in *Will* or in petition about existence or non-existence of any legal heir or direct descendant of *Testator* and reasons for disinheriting them which would be a suspicious circumstance. Either in petition or in deposition, there is no explanation whatsoever offered by petitioner, even a copy of earlier registered *Will*, is not produced. Attestors have merely stated about attesting signature of *Testator* on *Will*. Thus, there is no material that would throw light on suspicious circumstances.



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5. Under above circumstances, even though original *Will* is produced and marked and attestors are examined, same would not by itself be sufficient for grant of probate.

6. In view of above, this Court does not find justification to grant probate. Hence, petition is ***dismissed***.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 28