



CNR: KAHC010695352025

NC: 2026:KHC:36216
MFA No. 7925 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 7925 OF 2025 (ISA)

BETWEEN:

1. MR. BANDI PRABHAKAR RAO
S/O LATE B R BHASKAR RAO
AGED ABOUT 67 YEARS,
RESIDING AT APARTMENT NO.2026,
SOBHA SUNCREST, KANAKAPURA ROAD,
NEAR NICE ROAD JUNCTION,
UTTARAHALI HOBLI,
THALAGHATTAPURA,
BENGALURU 560062.

...APPELLANT

(BY SRI. AJAY J NANDALIKE.,ADVOCATE)

AND:

1. NIL

...RESPONDENT

THIS MFA IS FILED U/S 384 OF INDIAN SUCCESSION
ACT, AGAINST THE ORDER DT. 15.10.2025 PASSED IN P AND



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SC.NO. 581/2023 ON THE FILE OF THE XIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-28, DISMISSING THE PETITION FILED U/S 372 OF THE INDIAN SUCCESSION ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

The present application is filed by the appellant, who is the petitioner in P & SC No.581/2023 wherein the appellant/petitioner sought issuance of a succession certificate in his favour in respect of immovable assets owned by late Ms.Bandi Sujatha Jayadev and late Mrs. Jayalakshmi B. R. Trial Court had rejected the said petition filed by the appellant, being aggrieved by which the present appeal is filed.

2. The brief facts of the case are as follows.

The appellant is the cousin and the legal heir of late Ms.Bandi Sujatha Jayadev, D/o late Mr.Jayadev.B.S and



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Late Mrs.Jayalakshmi.B. R. and Late Mrs. Jayalakshmi B.R. is the aunt i.e., father's sister of the appellant/petitioner. Ms.Bandi Sujatha Jaidav is said to have died intestate as on 12.06.2023 at her residence at G-01, ground floor, Nikhilesh Sukanya, Corporation No. 1884, 10th Main, Kaveri Nagar, Banshankari. It is also stated that the deceased Bandi Sujatha Jayadev was unmarried and had no issues. Both her parents predeceased her, and she was residing with her mother, Mrs. Jayalakshmi.B.R and her mother predeceased her on 15.09.2022, whereas her father, Mr. Jayadev.B.S predeceased her on 24.02.2015.

3. It is the further contention that the petitioner/ appellant performed the last rites of Mr.Jaydev B.S., and thereafter Ms.Bandi Sujatha Jayadev was living all alone at the above mentioned address. It is further stated that there is no other surviving legal heir or relative who have any right, claim or interest with respect to the properties of late Ms.Bandi Sujatha Jayadev and late Mrs.



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Jayalakshmi B.R. It is further contended that the deceased Ms.Bandi Sujatha Jayadev died alone in her apartment, and the intimation regarding the death was given to the Banshankari Police Station by her friends. Thereafter, a case was registered in UDR No.14/2023. It is further contended that during the lifetime of late Ms.Bandi Sujatha Jayadev and late Mrs.Jayalakshmi.B.R., they made several movable and immovable properties and also maintained certain lockers; they were in Canara Bank and other banks. The notices were issued to the concerned banks to secure information, since the bank did not provide the details. The petitioner - the appellant, claimed himself to be the sole legal heir of Ms.Bandi Sujatha Jayadev and late Mrs. Jayalakshmi.B.R and sought for issuance of a succession certificate on the ground that at the time of demise of Ms.Bandi Sujatha Jayadev and late Mrs. Jayalakshmi.B.R., they were residing within the jurisdiction of this Court and hence, based on the said



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cause of action, a petition came to be filed under Section 372 of the Indian Succession Act.

4. In compliance with the procedures contemplated, notices were taken out by way of citations in the newspaper publication, and also documents were called for from the Canara Bank, Lavelly Road Branch and Lalbagh Road Branch for details of the accounts of the deceased. In pursuance of the said notice taken out through newspaper publication by way of public notice, one K. G. Rajalakshmi and Krishna Mahankali filed IA No. 4 under Order I Rule 10 (2) of CPC. The matter was heard. The said application was allowed, permitting the applicants who claim to be the nominees to come on record. Aggrieved by the said application being allowed, the appellant herein preferred a writ petition in WP.No.16743/2025 challenging the said order on the ground that the nominees do not have any claim better than the successors or the legal heirs. This Court in WP



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No.16743/2025 on 01.08.2025 allowed the writ petition and set aside the order of the impleading applicants being brought on record.

5. It is further contended that in pursuance thereafter, in order to establish and prove the case, the appellant /petitioner examined himself as PW1 and got marked the Ex.P1 to P17. In order to consider the petition filed for grant of succession certificate, the trial Court formulated the following points for consideration.

"Points for consideration

1. Whether the applicant has made out a ground for issuance of Succession Certificate under Section 372 of Indian Succession Act in his favour in the respect of the Suit Schedule assets and amounts lying in the account of late Ms.Bandi Sujatha Jayadev and late Smt. Jayalakshmi B.R.?

2. What order?"

6. Upon going through the materials placed on record, including Ex.P1 to Ex.P17, the learned trial judge did not agree with the contentions put forth by the



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appellant/petitioner and dismissed the petition for grant of succession certificate on the ground the petitioner has not made out a ground for issuance of succession certificate as of now in favour of the petitioner alone, for want of cause of action to the present petition as well as on the ground of suppression of true and material facts, and therefore the petitioner was not entitled for issuance of succession certificate. Accordingly, held it in the negative and dismissed the petition.

7. It is seen that the trial Court despite taking into consideration all the exhibits which were placed on record and the application of the impleading applicant who claimed to be a nominee , came to be rejected by the High Court on challenge made by the appellant/petitioner. It is seen pursuant thereto there was absolutely no contest in the petition filed by the appellant/petitioner for grant of succession certificate. There was also no denial, as none existed as respondent, no contest and no rival claimants



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whatsoever with regard to the grant of succession certificate.

8. The point that arises for consideration before this Court is

1. Whether appellant/petitioner has made out a good ground to interfere with the judgment rendered by the trial Court and establish his case for grant of a succession certificate?

2. What order?

9. It is relevant to extract the reasons provided by the Trial Court at paragraph No.11, where the Trial Court has elaborated on the documents produced by the appellant/petitioner from Exs.P1 to P17, which reads as under:

"11. In supportive of his claim, he has produced Exhibits P1 to P17 documents. Ex.P1 is the Family Tree Bandi Prabhakar Rao, the present petitioner herein. Wherein the G-tree is traced to one B R Ramanjulu naidu, having wife DEvakamma, who in turn have Vittal Rao, Sivaram Rao, Bandi Bhaskar Rao and Jayalakshmi B R. The G-tree of Jayalakshmi B R would of relevance. She is



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reflected to have been married to one Jayadev B S and he is reflected to have demised and one Bandi Sujatha Jayadev, daughter is also reflected to have deceased. Ex.P2 is the newspaper publication caused in the newspaper 'Hindu'. Ex.P3 is the newspaper publication caused in newspaper 'Namathe Bengaluru'. Ex.P4 is the Aadhar ID card of the petitioner by name Bandi Prabhakar Rao, S/o B R Bhaskar Rao. Ex.P5 is the death certificate of one Bandi Sujatha Jayadev who is said to have demised on 12.06.2023. Ex.P6 is the death certificate of Jayalakshmi B R who is said to have demised on 15.09.2022. Ex.P7 is the death certificate of B R Bhaskar Rao. S/o late B R Ramanjulu Naidu. Ex.P8 is again another notarized Family Tree Affidavit and Ex.P9 is the Family Tree Attestation Deed of one Bandi Prabhakar Rod, wherein lad Jayalakshmi B R is shown as the aunt of said Bandi Prabhakar rao, the petitioner herein. Ex.P10 to 12 are the F.D. receipts. Ex.P13 is the statatement of account extract standing in the name of Ms.Sujatha B J. Ex.P14 is another statement of Account Extract in the name of Ms.Bandi Sujatha Jayadev held in SBI. Ex.P15 is the statement of account extract of Ms.Sujatha Bandi Jayadev. Ex.P16 is the certificate under Section No.63(4)(c) of BSA, 2023. Ex.P17 is the statement of account extracts of Sujatha B J. This testimony and the documents of the petitioner has remained unchallenged."

10. The Trial Court has also come to a conclusion at this very same paragraph that this testimony and the documents of the petitioner has remained unchallenged.



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When there is no challenge made to the evidence or testimony of the appellant/petitioner, no rival claim made to the succession certificate or the petition by any person, with cogent materials on record. Though in the impleading applicants had come on record initially, claiming benefit under the nomination made in their favour. The same came to be set aside and the application came to be dismissed by this Court on a challenge made by the petitioner as stated herein above. Hence it can be clearly deciphered that there is absolutely no challenge to the petition filed by the petitioner. This being the facts of the case, what the Trial Court is required to see is only whether the appellant/petitioner has made out a good ground for cogent reason to show to the satisfaction of a Court with regard to the appellant/petitioner being a legal representative with legal heir. She comes under Class-II as per Section 15(i)(e) of the Hindu Succession Act . So far as Bandi Sujatha, Jayadev is concerned and so far as Mrs. Jayalakshmi is concerned, the appellant will fall within



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the category of Section 15(i)(d). It is relevant to extract 15(i)(a), (b), (c), (d) and (e), which read as under:

"15. General rules of succession in the case of female Hindus.-(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in Section 16.-

(a) firstly, upon the sons and daughters (including the children of any predeceased son or daughter) and the husband;

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father;
and

(e) lastly, upon the heirs of the mother."

11. It is a fundamental rule of law and has held by catena of judgments that the nominee, if at all, made in any case by anyone, would not stand in a better position or would not have better right over the legal heirs and successors of the deceased. It is also a fundamental rule that once a nomination is made, a nominee's powers and functions are only to receive such amount or whatever assigned in their favour and to hand over the same in



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favour of the legal heirs/successors. They do not stand in a better footing than the legal heirs or successors. If any legal heir exist and if any such petition is filed, they will certainly be in a better footing than that of the nominee to claim a right over the assets of the deceased. The Hon'ble Apex Court in the case of ***Ramchandra Talwar and another, Shakti Yazdani and another, versus Jayanand Jayant Salgaonkar and others***, reported in ***(2024) 4 SCC 642*** has dealt with this matter elaborately. The relevant paragraph for consideration specific could be at paragraph Nos.40 and 41, which read as under:

"Nomination under various legislations:

40. In an illuminating list of precedents, this Court as well as several High Courts have dealt with the concept of "nomination" under legislations like the Government Savings Certificates Act, 1959, the Banking Regulation Act, 1949, the Life Insurance Act, 1939 (quereInsurance Act, 1938) and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. It would be apposite to refer to what the Court said on nomination, in reference to these legislations:

Case

Held



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Law/Precedent

*Sarbati Devi v.
Usha Devi [Sarbati
Devi v. Usha Devi,
(1984) 1 SCC 424]*

*Nozer Gustad
Commissariat v.
Central Bank of
India [Nozer Gustad
Commissariat v.
Central Bank of
India, 1992 SCC
OnLine Bom 481 :
(1993) 1 Mah LJ
228]*

*Vishin N.
Khanchandani v.
Vidya Lachmandas
Khanchandani
[Vishin N.
Khanchandani v.
Vidya Lachmandas
Khanchandani,
(2000) 6 SCC 724]*

*Nomination
under Section 39 of
the Insurance Act,
1938 is subject to
the claim of heirs of
the assured under
the law of
succession.*

*Nomination
under Section 10(2)
of the EPF &
Miscellaneous
Provisions Act, 1952
cannot be made in
favour of a non-
family person.
Relied upon Sarbati
Devi [Sarbati Devi v.
Usha Devi, (1984) 1
SCC 424] to state
that the principles
therein were
applicable to the
Employees Provident
Funds Act as well
and not merely
restricted to the
Insurance Act.*

*Nominee
entitled to receive
the sum due on the
savings certificate
under Section 6(1)
of the Govt. Savings
Certificates Act,
1959, but cannot
utilise it. In fact, the*



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nominee may retain the same for those entitled to it under the relevant law of succession.

Ram Chander Talwar v. Devender Kumar Talwar [Ram Chander Talwar v. Devender Kumar Talwar, (2010) 10 SCC 671 : (2010) 4 SCC (Civ) 313]

Nomination made under the provisions of Section 45-ZA of the Banking Regulation Act, 1949 entitled the nominee to receive the deposit amount on the death of the depositor.

41. A consistent view appears to have been taken by the courts, while interpreting the related provisions of nomination under different statutes. It is clear from the referred judgments that the nomination so made would not lead to the nominee attaining absolute title over the subject property for which such nomination was made. In other words, the usual mode of succession is not to be impacted by such nomination. The legal heirs therefore have not been excluded by virtue of nomination.

12. It is also relevant to extract paragraph No.5 in the case of Smt.Sarbati Devi and another -vs- Smt.Usha Devi reported in (1984) 1 SCC 424, which reads as under:



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5. We shall now proceed to analyse the provisions of Section 39 of the Act. The said section provides that a holder of a policy of life insurance on his own life may when effecting the policy or at any time before the policy matures for payment nominate the person or persons to whom the money secured by the policy shall be paid in the event of his death. If the nominee is a minor, the policy-holder may appoint any person to receive the money in the event of his death during the minority of the nominee. That means that if the policy-holder is alive when the policy matures for payment he alone will receive payment of the money due under the policy and not the nominee. Any such nomination may at any time before the policy matures for payment be cancelled or changed, but before such cancellation or change is notified to the insurer if he makes the payment bona fide to the nominee already registered with him, the insurer gets a valid discharge. Such power of cancellation of or effecting a change in the nomination implies that the nominee has no right to the amount during the lifetime of the assured. If the policy is transferred or assigned under Section 38 of the Act, the nomination automatically lapses. If the nominee or where there are nominees more than one all the nominees die before the policy matures for payment the money due under the policy is payable to the heirs or legal representatives or the holder of a succession certificate. It is not necessary to refer to sub-section (7) of Section 39 of the Act here. But the summary of the relevant provisions of Section 39 given above establishes clearly that the policy-holder continues to hold interest in the policy during his lifetime and



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the nominee acquires no sort of interest in the policy during the lifetime of the policy-holder. If that is so, on the death of the policy-holder the amount payable under the policy becomes part of his estate which is governed by the law of succession applicable to him. Such succession may be testamentary or intestate. There is no warrant for the position that Section 39 of the Act operates as a third kind of succession which is styled as a 'statutory testament' in para 16 of the decision of the Delhi High Court in Uma Sehgal case [AIR 1982 Del 36 : ILR (1981) 2 Del 315] . If Section 39 of the Act is contrasted with Section 38 of the Act which provides for transfer or assignment of the rights under a policy, the tenuous character of the right of a nominee would become more pronounced. It is difficult to hold that Section 39 of the Act was intended to act as a third mode of succession provided by the statute. The provision in sub-section (6) of Section 39 which says that the amount shall be payable to the nominee or nominees does not mean that the amount shall belong to the nominee or nominees. We have to bear in mind here the special care which law and judicial precedents take in the matter of execution and proof of wills which have the effect of diverting the estate from the ordinary course of intestate succession and that the rigour of the rules governing the testamentary succession is not relaxed even where wills are registered."

13. In view of the discussions made herein above and on the basis of the judgments of the Hon'ble Apex Court, the law laid down therein, it is no more res integra



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that the legal heirs and successors would certainly stand in a better footing and are legally entitled to as a matter of right to claim any amount or any property of the deceased by way of their relation and by way of their succession. Any nomination made by any of the deceased, such nominees do not get a better right or title in contrast to the legal heirs and successors. This aspect has not been appreciated by the learned Trial Judge while passing the impugned order and has not applied his mind, despite the production of several documents to show that the appellant/petitioner is a successor and is a legal heir to both Smt.Bandi Sujatha Jayadev as well as Mrs.Jayalakshmi B R. Therefore, this court is of the opinion that the impugned order passed by the learned Trial Judge is perverse, illegal and consequently requires interference. Hence, I pass the following :

ORDER

- i) This appeal is ***allowed.***



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ii) The impugned judgment dated 15.10.2025 passed by the learned XIV Additional City Civil and Sessions Judge, Bengaluru in P & SC No.581/2023 (Annexure-A) is hereby set aside.

iii) A succession certificate shall be issued in favour of the appellant with respect to the assets, both movable and immovable of late Ms. Bandi Sujatha Jayadev and late Mrs. Jayalakshmi B.R., as sought for in the petition filed by the appellant in P & SC No.581/2023.

iv) Consequently the petition filed by the appellant/petitioner in P& SC No.581/2023 under Section 372 of Indian Succession Act on the file of the learned XIV Additional stands allowed.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK,BKM
List No.: 1 Sl No.: 14