



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 9084 OF 2026 (GM-CPC)

BETWEEN:

1. SMT.R.PHILOMINA,
W/O.LATE FANCIS,
AGED ABOUT 67 YEARS,
2. SMT.MERITA,
D/O.LATE FANCIS,
W/O.BALA RAJU,
AGED ABOUT 47 YEARS,
3. SRI.WILLIAM RAJ,
S/O LATE FRANCIS,
AGED ABOUT 45 YEARS,
4. SRI.ARUN KUMAR,
S/O LATE FRANCIS,
AGED ABOUT 43 YEARS,

PETITIONERS NO.1 TO 4 ARE
RESIDING AT NO.72,
MANJUNATHA NAGARA,
NAGANATHAPURA,
NEW CENTRAL PRISON ROAD,
ELECTRONIC CITY POST,
BANGALORE - 560 100.



5. SMT.JWANITA,
D/O LATE FRANCIS,
W/O.ANTHONI RAJ,
AGED ABOUT 41 YEARS,
RESIDING AT NEAR GOVERNMENT HOSPITAL,
BEGUR, BANGALORE SOUTH TALUK,
BANGALORE - 560 068.

...PETITIONERS

(BY SRI. RAMESHA M.S., ADVOCATE FOR
SRI.G. NARAYANA RAO., ADVOCATE)

AND:

1. SRI. K.K.VIJAYA KUMAR,
S/O.K.V.KRISHNA SHETTY,
AGED ABOUT 64 YEARS,
RESIDING AT KRISHNA CLINIC,
MAIN ROAD, KIKKERI,
MANDYA DISTRICT.
2. SMT.R. MEENA,
W/O.M.VAJRAPPA,
AGED ABOUT 58 YEARS,
RESIDING AT NO.88/10,
3RD CROSS, CHIKKA BEGUR VILLAGE,
BEGUR HOBLI,
BENGALURU SOUTH TALUK,
BENAGLURU - 560 068.

...RESPONDENTS

(BY SRI.LOKESH R., ADVOCATE FOR C/R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DATED 23.02.2026 PASSED IN OS NO.1588/2016
PASSED BY LIX ADDL. CITY CIVIL AND SESSIONS JUDGE,



BENGALURU CITY (CCH-60) VIDE ANNX-J BY ALLOWING THE
IA NO. 16 AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

1. This present writ petition is filed aggrieved by the
order passed in I.A.No.XVI in O.S.No.1588/2016, dated
23.02.2026 by LIX Additional City Civil and Sessions
Judge, Bengaluru.

2. The petitioners / plaintiffs have filed the suit seeking
a declaration that the plaintiff is the absolute owner of the
suit schedule 'A' property, that the sale deed alleged to
have been executed by the deceased Francis in favour of
defendant No.12 on 12.01.1993 is null and void and not
binding on the plaintiffs, and that the sale deed executed
by defendant No.1 in favour of defendant No.2 is not
binding on the plaintiff. The suit also seeks a mandatory
injunction directing the defendants to demolish the entire
construction put up on the 'B' schedule property, to deliver



and handover vacant possession, damages and mesne profits, and a permanent injunction. In the said suit, the plaintiff has filed the present I.A.No.XVI under Order XXVI Rule 10-A R/w Section 151 of CPC, seeking the appointment of a handwriting and thumb impression expert as Commissioner for scientific investigation to compare the disputed signature and thumb impression of Late Francis found in the sale deed dated 12.01.1993 produced by defendant No.2 with the signatures and thumb impressions found in Exs.P14 to P17, and to obtain an expert opinion regarding the genuineness of the signatures and thumb impressions. That came to be dismissed by the impugned order.

3. While dismissing the application, the Court observed that the plea of repeated applications raised by defendant No. 2 has not been effectively rebutted by the plaintiffs. Successive applications on the same issue, particularly after dismissal of earlier attempts, *prima facie* attract the bar analogous to *res judicata* and certainly reflect an



attempt to reopen settled stages of the proceedings. The conduct of the plaintiffs in filing application after application at an advanced stage of trial strongly suggests an intention to prolong litigation. Costs cannot permit procedural provisions to be misused as tools of delay. Judicial time is valuable, and abuse of process must be curbed firmly. Lastly, the Court itself is empowered under Section 73 of the Evidence Act to compare signatures, if necessary, along with other evidence on record. Hence, the absence of an expert opinion at this stage does not render adjudication impossible. Accordingly, the I.A. is dismissed.

4. Learned counsel appearing for the petitioners / plaintiffs submits that the earlier application was filed during the course of evidence, and now this application is filed after the evidence has concluded. The dispute itself is that they deny the signatures of Late Francis on the sale deed and, according to them, it is a fabricated document. Unless the Expert's opinion is sought, it cannot be



clarified. It is further submitted that the Court, without considering all these facts, dismissed the application.

5. Having heard the learned counsel for the petitioner, perused the material on record.

6. An application was filed under Order XXVI Rule 10-A of the CPC to appoint an Expert for comparison of the signatures on the same day. Earlier, the petitioner had filed I.A. No. 12, which was dismissed by order dated 27.01.2025. While dismissing the said application, the Court observed that the purpose of the comparison and the reference of the documents to scientific experts were not forthcoming from the application. Therefore, such bald grounds cannot be entertained by any stretch of imagination. The case is of the year 2016, and almost 9 years have lapsed. The plaintiff has not completed his evidence for the reasons best known to him. It prima facie appears that the application filed by the plaintiff is only with an intention to protract the proceedings and to cause



delay in the disposal of the suit, and accordingly, the I.A. was dismissed.

7. When this Court asked the learned counsel for the petitioner on why I.A.No.12 was not mentioned, no plausible explanation was forthcoming. The earlier application was dismissed, and the Court did not grant liberty, observing that once the evidence is completed, the application can not be filed. Now, a second application has been filed. The Court observed that this was filed only to delay the proceedings. Thus, the Court's finding is further strengthened by the party's conduct. This order was passed in January, i.e., 22.01.2026. Then the writ petition was filed on 23.02.2026. The petitioner has recently complied with the office objections. This matter came up before the Court on 22.04.2026. The Court observed that none appeared and directed to list after 3 weeks. Then, on 01.06.2026, the matter was directed to be listed for orders before the Registrar. Then, on 08.06.2026, as per the note of the Registrar, it shows that the office is to verify



whether needful is done. If needful is done, the matter is to be brought before the Court. Finally, the matter came up before the Court today.

8. Considering all these aspects, firstly that the petitioner has not questioned the earlier order, and that at every stage there appears to be an intention on the part of the petitioner to delay the proceedings, this Court is not inclined to entertain this petition. The Trial Court had rightly dismissed the application and there are no grounds to interfere. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending I.As if any, in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

GH
List No.: 1 Sl No.: 6