



CNR: KAHC010423242026

NC: 2026:KHC:42231  
WP No. 19292 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 19292 OF 2026 (GM-CPC)**

**BETWEEN:**

SRI. HARSHA .K,  
S/O LATE. N. KRISHNAMURTHY,  
AGED ABOUT 46 YEARS,  
RESIDING AT NO.70,  
10<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS,  
2<sup>ND</sup> STAGE, BENNY EXTENSION,  
VIJAYANAGARA 2<sup>ND</sup> PHASE,  
BANGALORE – 560 040

...PETITIONER

(BY SRI. R.A. DEVANAND, ADVOCATE)

**AND:**

SMT. N. MANJULA,  
D/O. LATE NARASIMHAIAGH,  
AGED ABOUT 45 YEARS,  
W/O SRI. ANANTHARAM,  
NO.64, 8<sup>TH</sup> CROSS,  
GAJANANA NAGARA,  
HEGGANAHALLI,  
BANGALORE – 560 091

...RESPONDENT

(BY SRI. R.P. SOMASHEKHARAIHAH, ADVOCATE  
FOR C/R1 (CP NO.13922/26))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF CONSTITUTION OF INDIA PRAYING TO SETTING  
ASIDE THE ORDER PASSED ON IA NO. XIX FILED IN OS NO.  
5354/2013 BY THE COURT OF XXIV ADDL. CITY CIVIL AND  
SESSIONS JUDGE AT BANGALORE (CCH-6) DATED 05.06.2026

Digitally signed  
by SUVARNA T  
Location: HIGH  
COURT OF  
KARNATAKA



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WHICH ORDER IS PRODUCED AS ANNEX-G, BY ALLOWING THIS WP IN ENTIRETY. AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**ORAL ORDER**

Aggrieved by the order dated 05.06.2026 in I.A.No.XIX in O.S.No.5354/2013 passed by the XXIV Additional City Civil and Sessions Judge at Bangalore, the petitioner/defendant is before this Court.

2. The respondent herein, who is the plaintiff, had filed O.S.No.5354/2013 seeking permanent injunction. Once the suit was decreed, the same was carried in appeal. The appeal was allowed, and the matter was remanded to the trial Court for fresh consideration. While remanding the matter, the Co-ordinate Bench of this Court had given liberty to the plaintiff to seek the relief of declaration. Thereafter, the matter proceeded, and during the course of the trial, the defendant had filed I.A.No.XIX under Order XXVI Rule 10-A read with Section 151 of CPC to appoint a fingerprint expert to conduct a scientific investigation into the fingerprint of Smt. Gangalakshamma



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appearing on Ex.P.21 at two different places, with a comparison of the fingerprint of the original agreement to sell executed by Smt. Gangalakshamma and her children in favour of Sri.Rajendran, dated 10.11.1981. It is the case that the thumb impression was created and manipulated by two sons of the late Smt. Gangalakshamma. The trial Court, by the impugned order, had rejected the application.

3. While rejecting the application, the trial Court observed that at the time of remand, the High Court had directed the trial Court to dispose of the matter in a time-bound manner. However, the defendant is filing one application after another, and this is delaying the matter. Moreover, the defendant has not at all questioned or challenged Ex.P.20 and 21 or Ex.P.9/Sale Deed of the plaintiff, and has only sought the relief of possession. Without seeking any declaration or relief with respect to the legality and validity of the document, the application filed at the fag end of the case, referring to a fingerprint expert for comparing with other documents which are objected by one of the sons of Smt. Gangalakshamma, is not sustainable. Hence, in the facts and circumstances of the



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case, the application filed on behalf of the defendant seeking to refer Ex.P.20 and 21 for comparison of the thumb impression of Smt. Gangalakshmamma with the thumb impressions forthcoming in the Sale Agreement and Partition Deed dated 19.11.1981 and 16.04.1984 is not at all sustainable, and accordingly the application was rejected.

4. Learned counsel appearing for the petitioner/defendant submits that the trial Court observed that the defendant has not questioned Ex.P.20 and 21 or Ex.P.9 – Sale Deed. As per the order passed by the High Court in the RFA, the plaintiff has to seek declaration. Even after remand, the plaintiff has not sought such a relief. The said finding of the trial Court is contrary to law and facts. The trial Court also observed regarding recovery of possession, which is not correct. It is submitted that unless and until these documents are sent for expert opinion, the dispute between the parties cannot be adjudicated in an effective manner. It is submitted that while rejecting the application, the trial Court failed to give cogent reasons.



5. Learned counsel appearing for the respondent/ plaintiff submits that the defendant had filed a counterclaim seeking injunction, and the trial Court rightly observed that the defendant is pursuing one application after another, thereby delaying the suit proceedings. It is submitted that there is no reason to interfere with the well-considered order, and the writ petition is liable to be dismissed.

6. Having heard the learned counsel on either side, perused the material on record. The suit is filed seeking bare injunction. The defendant had filed a counter claim and sought for injunction. The suit was decreed. Thereafter, an RFA was filed, and the matter was remanded to the trial Court for fresh consideration. In the remand order, liberty was granted to the plaintiff to seek declaration. Admittedly, no declaration is sought by the plaintiff. Now, in a suit for bare injunction, both parties seek injunction. According to the defendant, Ex.P.20 and 21 are concocted documents and her sons have executed the Sale Deeds. Hence, it has to be sent for expert opinion. The trial Court observed that those documents are not questioned by the defendant, who has already filed a counter claim.



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However, he has not sought any declaration that those documents are forged and not binding on him. In those circumstances, the trial Court came to the finding that it would not serve any useful purpose, the validity of the documents is not going to be decided by the Court and sending them for expert opinion is inconsequential, and accordingly, rejected the application. In the considered opinion of this Court, the trial Court rightly considered and rejected 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. This Court has not expressed any opinion on the merits of the matter. The trial Court shall proceed with the matter in accordance with law.
- iii. All I.As. in this petition shall stand closed.

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