



CNR: KAHC010458782019

NC: 2026:KHC:47396
W.P. No.50606/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.50606/2019 (GM-CPC)

BETWEEN:

1. SMT. GOWRAMMA
W/O SRI. G. GANGARAJAIAH
AGED ABOUT 45 YEARS.
2. SRI. G. GANGARAJAIAH
S/O LATE GANGAPPA @ GANGANNA
AGED ABOUT 63 YEARS.

BOTH ARE R/AT MALLARABANAVADI VILLAGE
KASABA HOBLI, NELAMANGALA TALUK
BENGALURU RURAL DISTRICT.

...PETITIONERS

(BY SRI. MOHAN S, ADV.,)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT. MALLAMMA
W/O LATE MALLIKARJUNAIAH
AGED ABOUT 73 YEARS
R/AT JAKKASANDRA VILLAGE
KASABA HOBLI
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT.
2. SMT. SUSHEELAMMA
W/O SRI. CHIKKEGOWDA
D/O LATE MALLIKARJUNAIAH
AGED ABOUT 53 YEARS
R/AT KAMAKSHIPALYA



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RANGANATHAPURA
SYNDICATE BANK COLONY
HOUSING BOARD
BENGALURU-560 079.

3. SRI. M. RAJU
S/O LATE SRI MALLIKARJUNAIAH
AGED ABOUT 49 YEARS.

[SINCE DECEASED BY HIS LR'S].

- 3(a) SMT. SIDDAGANGAMMA
W/O LATE SRI. M. RAJU
AGED ABOUT 50 YEARS.

- 3(b) SRI. BHARATH KUMAR
S/O LATE SRI. M. RAJU
AGED ABOUT 33 YEARS.

- 3(c) SRI. SHARATH KUMAR
S/O LATE SRI. M. RAJU
AGED ABOUT 30 YEARS.

ALL R/AT. PILLALLI VILLAGE
(COLONY), DASANAPURA HOBLI
BENGALURU NORTH TALUK
BENGALURU URBAN DIST-562162.

[AMENDED AS PER C.O.DTD:01.07.2026]

4. SRI. M. UMESH
S/O LATE MALLIKARJUNAIAH
AGED ABOUT 39 YEARS.
R/AT NO.69, 2ND MAIN ROAD
10TH CROSS, KAVERI PURA
KAMAKSHIPALYA
BENGALURU-560 079.

...RESPONDENTS



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(R2, R3(a), R3(b), R3(c) SERVED
V/O/DTD:17.11.2025, NOTICE TO R1 & R4 IS H/S)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 30.05.2019 PASSED IN O.S.NO.758/2009 (OLD NO.514/2007) ON THE FILE OF THE ADDL. SENIOR CIVIL JUDGE, NELAMANGALA BENGALURU RURAL DISTRICT PRODUCED AT ANNEX-G CONSEQUENTLY, PASS AN ORDER TO ALLOW THE APPLICATION FILED U/O I.A.NO.14 UNDER 16 RULE 6 R/W SEC. 151 OF CPC, PRODUCED AT ANNEX-E & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed challenging the order dated 30.05.2019 passed in OS.No.785/2009 by the Additional Senior Civil Judge, Nelamangala, Bengaluru Rural District, Bengaluru (for short 'the trial Court').

2. Heard Sri.Mohan S., learned counsel appearing for the petitioner and perused the material available on record.



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3. Despite the service of notice, there is no representation for the respondents.

4. The respondents filed a suit in OS.No.785/2009 seeking a declaration that the plaintiffs are the absolute owners of the suit schedule property and a further declaration that that the sale deed dated 10.12.2004 executed by defendant No.1 in favour of defendant No.2 is null and void and that defendant No.2 could not get any right, title, interest or possession over the suit schedule property and further the sale deed is not binding on the plaintiffs in any manner and consequential relief of permanent injunction. In the said suit, the defendants filed a detailed written statement. It is noticed that petitioner No.2/defendant No.2 also filed a suit in OS.No.213/2010 seeking the relief of a declaration of ownership based on the very same sale deed. Both the suits have clubbed and are being tried together by the trial Court.



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5. IN O.S.No.785/2009, defendant No.2 filed an application under Order XVI Rule 6 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking issuance of summons to the office of the Sub-Registrar, Nelamangala, to produce the book of specimen signatures of Mallikarjunaiah @ Mallikarjunappa affixed on the sale deed dated 31.10.1998 and to examine them in the case. The said application was opposed by the plaintiffs. The trial Court, under the impugned order dismissed the application mainly on the ground that the sale deed dated 31.10.1998, which was sought to be produced, is not the subject matter of both the suits and had no bearing.

6. It is to be noticed that both the petitioners and the respondents are claiming title over the suit schedule property in the two different suits. The case of the petitioners is that the husband of Smt.Mallamma, respondent No.1 herein had executed a General Power of



Attorney (GPA) in favour of defendant No.1, Smt.H.Gauramma and the said Smt.H.Gauramma has executed a valid sale deed in favour of defendant No.2. However, the said assertion is disputed by the respondents herein by contending that the deceased Mallikarjunaiah had not executed any GPA in favour of Smt.H.Gauramma. In order to substantiate the thumb impression of Mallikarjunaiah, the petitioners herein sought to summon the specimen book maintained by the jurisdictional Sub-Registrar.

7. It is further to be noticed that the burden lies on both the parties to establish their title over the suit schedule property. The trial Court, taking note of the fact that the sale deed sought to be summoned is not the subject matter of the suit and had no bearing on the dispute between the parties, rejected the application. I do not find any good ground to interfere with the impugned order.



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8. It is always open to the petitioners to apply for a copy of the sale deed sought to be summoned in the application and produced the same before the trial Court in accordance with law. With the aforesaid observations, the writ petition is ***disposed of*** without interfering with the impugned order.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 26