



CNR: KAHC010475842022

NC: 2026:KHC:43244
W.P. No.20714/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 13TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.20714/2022 (GM-CPC)

BETWEEN:

M.N. MANJUNATH
S/O M.B. NAGESH NAIK
AGED ABOUT 41 YEARS
R/O. MARANAKODIGE, KUNTUR VILLAGE
KASABA HOBLI, SRINGERI TALUK
CHIKKAMAGALURU DISTRICT-577201.

...PETITIONER

(BY SRI. GIRISH B. BALADARE, ADV.,)

AND:

1. B.S. SATISH
S/O LATE B.E. SUNDER SETTY
AGED ABOUT 60 YEARS
R/O ESHWARA NIVAS
KUVEMPU ROAD
SHIVAMOGGA 577201.
2. CANARA BANK
SRINGERI BRANCH
SRINGERI TOWN AND TALUK
REPRESENTED BY ITS MANAGER.
3. GANAPATHI BHAT
S/O LAXMINARAYANA
R/O KALKATTE MENASE VILLAGE
KASABA HOBLI, SRINGERI TALUK
CHIKKAMAGALURU DISTRICT 577201.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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4. G.M. SRINIVAS
S/O MALLAIAH
AGED ABOUT 54 YEARS
R/O BHARATEE STREET
SRINGERI TOWN AND TALUK
CHIKKAMAGALUR DIST - 577201.

...RESPONDENTS

(BY SRI. G .LAKSHMEESH RAO, ADV., FOR R1
R2, R3, R4 ARE SERVED)

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THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ANNEXURE-G THAT THE ORDER DTD 14.09.2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, AT N R PURA, ITINERATE AT SRINGERI ON I.A.NO.XX IN O.S.NO.19/2018 CONSEQUENTLY DISMISS THE APPLICATION NO.XX FILED UNDER ORDER 26 RULE 10(A) BY THE RESPONDENT NO.1/PLAINTIFF, IN THE INTEREST OF JUSTICE AND EQUITY & 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 writ petition is filed challenging the order dated 14.09.2022 passed on I.A.No.XX in O.S.No.19/2018 by Senior Civil Judge and JMFC, N.R.Pura, Itinerate at Sringeri (for short, 'the Trial Court').



2. Sri.Girish B. Baladare, learned counsel appearing for the petitioner submits that petitioner is defendant No.1 in a suit filed by the respondent No.1-plaintiff for the relief of declaration and injunction and in the said suit, the application filed by the plaintiff to appoint a Court Commissioner, came to be allowed without appreciating the fact that the plaintiff has failed to produce the admitted signature of his deceased father, in Kannada and hence, there cannot be a comparison of English signature and Kannada signature by the handwriting expert. It is submitted that the case of the plaintiff is that by impersonating the plaintiff's father, the sale deed came to be executed in favour of the defendant No.1 and the said fact is required to be proved by the plaintiff in the suit by adducing the evidence. It is further submitted that the sale deed in question is of the year 2011. The father of the plaintiff had died on 21.03.2014 and after his death, to defeat the right of the defendant No.1, the suit came to be



filed on 18.12.2014. Hence, he seeks to allow the petition by setting aside the impugned order.

3. *Per contra*, Sri.G.Lakshmeesh Rao, learned counsel appearing for the respondent No.1 supports the impugned order of the Trial Court and submits that the case of the plaintiff before the Trial Court is specific that his father's name is Sri.B.E.Sunder Setty and he has been impostured and the sale deed has been executed with regard to the immovable property and the beneficiary of the sale deed is defendant No.1. It is further submitted that in order to establish the said fact, the plaintiff has placed the oral and documentary evidence and thereafter, filed an application seeking appointment of the Court Commissioner to refer the admitted signature, thumb impression as well as the photograph of the deceased Sri.B.E.Sunder Setty with the disputed signature at Ex.P51 and the Trial Court, considering the said aspect, exercised the discretion and allowed the application. The same does



not call for any interference. Hence, he seeks to dismiss the petition.

4. I have heard the arguments of the learned counsel for the petitioner, the learned counsel for the respondent No.1 and meticulously perused the material on record.

5. The respondent No.1-plaintiff had filed a suit in O.S.No.19/2018 seeking the relief of declaration that the plaintiff is the owner of Schedule 'A' properties by inheritance and also sought for a declaration that the registered sale dated 28.12.2011 in favour of the defendant No.1 is a void document having executed by imposter and is a forged document and sought for other reliefs. In the said suit, the defendant Nos.1, 2 and 4 filed written statements, the parties adduced the evidence and after completion of the trial, the plaintiff filed an application under Order XXVI Rule 10A read with Section 151 of the Code of Civil Procedure, 1908, seeking prayer



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to refer the signature, LTM as well as photograph of the deceased Sri.B.E.Sunder Setty found in Exs.P31, P32 and P47, original police complaint at Ex.P52, Ex.P52-A, Exs.P53, P54, P54-A, B, C, P55 along with the disputed signature at Ex.P51. The Trial Court allowed the said application by overruling the objections raised by the defendant No.1. It is the specific case of the plaintiff before the Trial Court that his father Sri.B.E.Sunder Setty used to sign the document in English language and by imposterling him, a sale deed dated 28.12.2011 is executed in favour of the defendant No.1 and in order to ascertain the correctness of the assertion made by the plaintiff in the plaint which has been denied by the defendants, the Trial Court has exercised the discretion and allowed the application by recording the reason that the input of the expert would aid the Trial Court in deciding the dispute between the parties.



6. It is to be noticed that insofar as the dispute with regard to the signature is concerned, the learned counsel for the petitioner-defendant No.1 is right in his contention that there cannot be any comparison of the signatures of the deceased which are in English and Kannada. The said submission is required to be accepted. However, in the application, the plaintiff is making a specific prayer and assertion that the thumb impression and the photograph of the deceased Sri.B.E.Sunder Setty found on the admitted documents referred in the application and the disputed document at Ex.P51 are different and the said aspect can always be gone into by the forensic expert by recording his opinion and the said opinion would aid the Trial Court in deciding the dispute between the parties as the plaintiff is seeking a specific prayer in the plaint that the sale deed in favour of the defendant No.1 dated 28.12.2011 is executed by imposter and to ascertain the said aspect, it would be appropriate to secure the expert's opinion in the matter. The Trial Court,



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considering the aforesaid aspect, has rightly allowed the application. I do not find any error or perversity in the order passed by the Trial Court calling for interference in the present petition.

7. Accordingly, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is hereby ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 31