



CNR: KAHC010479962019

NC: 2026:KHC:49714
WP No. 50635 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 50635 OF 2019 (GM-CPC)

BETWEEN:

1. BINDU
AGED ABOUT 42 YEARS,
D/O. BABU RAO SINDHE,
RESIDING AT NO.194, 5TH CROSS,
G.K.W. LAYOUT, VIJAYANAGAR,
BANGALORE-560040.

...PETITIONER

(BY SRI. RAVISHA M.G., ADVOCATE)

AND:

1. V C CHOWSHETTY
AGED ABOUT 83 YEARS,
S/O. CHENNAPPA,
RESIDING AT NO.135, SANMATHINAGAR,
KVALAGERI ROAD, DHARWAD-580008
2. OBALAPPA
AGED ABOUT 62 YEARS,
S/O LATE GOVINDAPPA,
3. VIJAYKUMAR
AGED ABOUT 59 YEARS,
S/O LATE GOVINDAPPA,
4. DHANANJIAH
AGED ABOUT 57 YEARS,
S/O LATE GOVINDAPPA,

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R2 TO R4 ARE RESIDING AT NO.7,
2ND MAIN, 8TH CROSS,
GOVINDARAJANAGAR, BANGALORE-560040.

5. G NARASIMHAIAH
AGED ABOUT 64 YEARS,
S/O LATE GOVINDAPPA,
RESIDING AT NO.30, CANARA BANK LAYOUT,
NAGARBHAVI EXTENSION, VIJAYANAGAR,
BANGALORE-560040
6. D NAGRAJ
AGED ABOUT 53 YEARS,
S/O LATE C. DASAPPA,
RESIDING AT NO.155, VIDYARANYANAGAR,
MAGADI ROAD, BANGALORE-560023.

...RESPONDENTS

(BY SRI. MURALI .M, ADVOCATE FOR R6;
R1 SERVED AND UNREPRESENTED;
V/O DATED 06.01.2020, NOTICE TO R2 TO R5 ARE
DISPENSED WITH)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 16.10.2019 i.e., ANNEX-A PASSED BY THE HON-BLE
XXIII ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-6),
BENGALURU, ON I.A.NO.11, FILED BY THE R-6 HEREIN U/S
63(2) OF THE INDIAN EVIDENCE ACT, 1872 R/W SEC. 151 OF
CPC, IN O.S.NO.11275/2006.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

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ORAL ORDER

This writ petition is filed by the plaintiff in O.S.No.11275/2006, calling in question the order dated 16.10.2019 passed by the XXIII Additional City Civil and Sessions Judge, Bengaluru (CCH-6), on I.A.No.11, whereby the learned Trial Judge has permitted defendant No.6 to place on record a xerox copy of the original Sale Deed dated 22.08.1983.

2. The grievance of the petitioner is that, notwithstanding the production of a certified copy of the said document, the learned Trial Judge has permitted defendant No.6 to produce a xerox copy of the original Sale Deed dated 22.08.1983 on the premise that the original document had been misplaced/lost during the pendency of O.S.No.6037/2007 instituted by defendant No.1.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for

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respondent No.6/defendant No.6. Perused the records and the order under challenge.

4. On a careful examination of the pleadings and the material on record, certain material facts emerge for consideration. Respondent No.6 herein had instituted a suit in O.S.No.2792/2010 seeking a decree of injunction against the present petitioner and her husband. The said suit has subsequently been clubbed with the comprehensive suit instituted by the petitioner in O.S.No.11275/2006.

5. The title claimed by the parties has its genesis in two competing transactions. The petitioner traces her title under the Sale Deed dated 20.04.2006 executed by defendant Nos.2 to 5 through their GPA holder. Defendant No.6, on the other hand, traces his title through defendant No.1-V.C. Chowshetty, who claims to have acquired the property from Govindappa, the father of defendant Nos.2 to 5, under the registered Sale Deed dated 22.08.1983.



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Defendant No.6, therefore, claims to be a subsequent purchaser deriving his title through defendant No.1.

6. It is not in dispute that defendant No.1 had instituted O.S.No.6037/2007 and had produced the original Sale Deed dated 22.08.1983 in the said proceedings. The order impugned before this Court records that the original Sale Deed was subsequently lost/misplaced during the pendency of the said suit, which eventually came to be dismissed for non-prosecution. By that time, defendant No.1 had already alienated the property in favour of the present defendant No.6 under the Sale Deed dated 21.05.2008.

7. The petitioner, on the one hand, is required to establish her title under the Sale Deed executed by defendant Nos.2 to 5, who are the children of the original owner, Govindappa. Defendant No.6, on the other hand, is required to establish that his vendor, namely defendant No.1, had acquired a valid and subsisting title to the



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property from Govindappa under the registered Sale Deed dated 22.08.1983. Thus, the validity and effect of the competing chains of title constitute matters which necessarily require adjudication upon appreciation of the entire evidence on record.

8. In the aforesaid factual backdrop, the circumstance that the original Sale Deed dated 22.08.1983, which had admittedly been produced in O.S.No.6037/2007, is no longer available assumes significance. Defendant No.6 has admittedly produced a certified copy of the said Sale Deed. However, his specific grievance is that the property particulars reflected in the certified copy are incorrectly stated. It is in these circumstances that defendant No.6 sought permission to produce the xerox copy of the original Sale Deed, which, according to him, was reconstructed in the proceedings in O.S.No.6037/2007 after the original had been misplaced.

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9. The learned Trial Judge, having regard to the aforesaid circumstances, has permitted defendant No.6 to place the said xerox copy on record, and the same has been marked as Ex.D.20. The mere permission to produce the document, however, cannot be construed as an adjudication either regarding its genuineness, admissibility in evidence, or the probative value to be attached to the same. Those questions necessarily remain open for consideration by the learned Trial Court in accordance with law after the parties have led their respective evidence.

10. In that view of the matter, the judgments relied upon by the learned counsel for the petitioner do not advance the case of the petitioner in the peculiar facts and circumstances of the present proceedings. The controversy before this Court, at this interlocutory stage, cannot be divorced from the competing claims of title raised by the parties.

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11. The principal question which would arise for consideration in the suit is whether the petitioner has succeeded in establishing a valid title under the Sale Deed executed by defendant Nos.2 to 5, tracing their title to Govindappa. Equally, if defendant No.6 seeks to sustain his title through defendant No.1, it would be necessary for the Trial Court to examine whether Govindappa had already conveyed the property in favour of defendant No.1 under the registered Sale Deed dated 22.08.1983 and the legal consequences flowing therefrom.

12. Therefore, the admissibility, genuineness and evidentiary value of the xerox copy of the Sale Deed dated 22.08.1983 are matters which have to be considered by the learned Trial Court in the course of trial, particularly in view of the specific circumstance that the original document produced in O.S.No.6037/2007 is stated to have been lost/misplaced during the pendency of the said proceedings. The factum of such loss has also been

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noticed by the learned Trial Judge in the order under challenge.

13. This Court is, therefore, of the considered view that the order impugned does not suffer from any jurisdictional error or infirmity warranting interference under Article 227 of the Constitution of India. At the same time, it is made clear that the permission granted to defendant No.6 to place the xerox copy on record or the marking of the same as Ex.D.20 shall not, by itself, be construed as a finding regarding its admissibility, genuineness or proof. The burden continues to rest upon defendant No.6 to establish, in accordance with law, the basis on which the said document is sought to be relied upon, including the circumstances in which the original came to be lost and the evidentiary foundation for receiving the xerox copy in evidence.

14. Since valuable rights of the parties are involved and the rival claims of title can be effectively adjudicated

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only after a full-fledged trial, this Court finds no ground to exercise its supervisory jurisdiction at this interlocutory stage. Any interference with the order impugned, in the circumstances narrated above, would have the effect of prematurely foreclosing a matter which is yet to be adjudicated by the Trial Court on the basis of the evidence to be led by the parties.

Accordingly, the writ petition stands ***dismissed.***

It is made clear that all contentions of the parties are left open and the observations made herein are confined to the consideration of the order impugned and shall not influence the learned Trial Court while adjudicating the suits on merits.

The learned Trial Judge is directed to expedite the hearing of O.S.No.11275/2006 and O.S.No.2792/2010 and endeavour to dispose of the same expeditiously, in accordance with law. The learned counsel appearing for the respective parties shall extend their full cooperation

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for early disposal of the suits and shall not seek unnecessary adjournments.

Pending interlocutory applications, if any, stand disposed of.

The Registry is directed to forthwith remit the Trial Court records to the jurisdictional Court.

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**(SACHIN SHANKAR MAGADUM)
JUDGE**

NBM
List No.: 1 SI No.: 9