



CNR: KAHC010504552026

NC: 2026:KHC:38830
WP No. 22929 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22929 OF 2026 (GM-CPC)

BETWEEN:

SMT E.VASANTHA
DAUGHTER OF ERAPPA
WIFE OF LATE MADAPPA
AGED ABOUT 57 YEARS
RESIDING AT NO. 576,
PARAVATI NILAYA,
GIRIDARSHINI LAYOUT,
ALANAHALLI, T. NARASIPURA ROAD,
MYSURU -571 124

...PETITIONER

(BY SRI. BHARGAVA D BHAT, ADVOCATE)

AND:

SRI K.SOMASHEKAR
SON OF LATE KARIAPPA
AGED ABOUT 60 YEARS,
RESIDING AT 2781,
POORNAYYA STREET,
SRIRANGPATNA,
MANDYA -571 438

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SETTING ASIDE THE ORDER DATED 17.06.2026 IN I.A. NO. 11 IN O.S. NO. 135/2019 PASSED BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND J.M.F.C., SRIRANGAPATNA (ANNEXURE-A).



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THIS 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 17.06.2026 in I.A.No.11 in O.S.No.135/2019 passed by the Principal Senior Civil Judge and JMFC, Srirangapatna, the petitioner/defendant is before this Court.

2. The respondent/plaintiff had filed O.S.No.135/2019 seeking recovery of money based solely on the alleged promissory note dated 23.04.2017. The defendant had filed written statement denying the execution of the promissory note and the signature appearing thereon. After the trial was completed and when the matter was posted for arguments, I.A.No.11 was filed by the petitioner under Order XXVI Rule 10A read with Section 151 of CPC and Section 39 of Bharathiya Sakshya Adiniyam, 2023, to send the promissory note marked as Ex.P-1 to the Forensic Science Laboratory for comparing the signature of the defendant. The trial Court, by the impugned order, dismissed the application.



3. While dismissing the application, the trial Court considered the judgment of the High Court of Andhra Pradesh and observed that the party seeking expert evidence to compare his signatures on disputed documents with admitted documents shall produce authentic documents, such as registered sale deeds or any other registered documents containing the signatures of a contemporaneous or any other period, unless he specifically contends that no such documents exist. It is unsafe to obtain the signatures of a party in open Court and send those signatures, along with his signatures on vakalath and written statement, to an expert for obtaining his opinion. In the absence of such authentic admitted signatures, the Courts are not justified in allowing such applications for seeking the opinion of experts. In the present case, the defendant failed to produce any authentic admitted documents containing her signatures, whether registered or otherwise, despite it not being her case that no such documents exist. On the contrary, she has gone to the extent of denying even her signatures on the written statement. Considering the conduct of the defendant in denying her own signature on the written



statement, the Court is of the opinion that the present application is only intended to drag on the proceedings.

4. The trial Court has further observed that the application is intended only to delay the proceedings and that there was a delay in filing it. The defendant could have filed an IA immediately after the case was posted for the defendant's evidence. Further, no authentic admitted documents were produced for comparison. Accordingly, the trial Court dismissed the application.

5. Learned counsel appearing for the petitioners submits that the defendant's denial of her signatures on the documents cannot be a reason for the Court to dismiss the application. It is submitted that the trial Court has proceeded on the premise that, as the petitioner has denied the signatures in the written statement, the application is filed to delay the proceedings. Learned counsel submits that, unless and until the expert opinion is sought, it would cause a lot of hardship to the defendant.



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6. Having heard the learned counsel for the petitioner, perused the entire material on record. The suit is filed by the respondent seeking recovery of money based on the foot of a promissory note. The defendant has denied the execution of the document. In that case, the burden lies on the plaintiff to prove the same. In the material facts and circumstances, the defendant denies the signatures in the written statement, and the trial Court has observed that no admitted signatures are placed before it. Hence, the trial Court had rightly dismissed the application. While passing the orders, the trial Court is competent to compare the signatures and can appreciate the case of the defendant. In that view of the matter, this Court does not find any reason to interfere. Hence, this Court is passing the following order:

ORDER

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

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