HC-KAR

NC: 2026:KHC:22535
WP No. 10516 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 10516 OF 2026 (GM-CPC)

BETWEEN:

SRI CHIKKANNACHARYA
S/O LATE DHAKSHINACHARYA
AGED ABOUT 74 YEARS
R/AT BOMMANAHALLI CROSS
BELLUR HOBLI, NAGAMANGALA TALUK
MANDYA DISTRICT-571418.

...PETITIONER

(BY SRI. HARSHA KUMAR GOWDA H.R., ADVOCATE)

AND:

HEMANNA CHARYA @ HEMANNA
DEAD BY LRS

1. SMT. UMAMANI. V,
   W/O LATE HEMANNA CHARYA @ HEMANNA
   AGED ABOUT 62 YEARS

2. H. PADMASHREE
   D/O LATE HEMANNA CHARYA @ HEMANNA
   AGED ABOUT 39 YEARS

3. H. KAVYASHREE
   D/O LATE HEMANNA CHARYA @ HEMANNA,
   AGED ABOUT 36 YEARS

4. H. SUBRAMANYA,
   S/O LATE HEMANNA CHARYA @ HEMANNA,
   AGED ABOUT 34 YEARS

   R1 TO R4 ARE R/AT NO. 115
   3RD CROSS, 2ND MAIN ROAD

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

RAMAIAH ENCLAVE, NAGASANDRA POST
BENGALURU-560073.

…RESPONDENTS

(BY SRI.RAJANNA., ADVOCATE FOR C/R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR SIMILAR WRIT, ORDER OR DIRECTION TO QUASH THE ORDER DATED 14.01.2026 PASSED IN O.S. NO. 2/2017 ON I.A. NO.X FILED UNDER ORDER XXVI RULE 10A READ WITH SECTION 151 OF CPC AND SECTION 45 OF INDIAN EVIDENCE ACT, 1872 PASSED BY THE LEARNED 1ST ADDL. SENIOR CIVIL JUDGE AND JMFC, NAGAMANGALA, PRODUCED AT ANNEXURE-H AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-plaintiff has called in question the order dated 14.01.2026 passed by the I Addl. Senior Civil Judge & JMFC, Nagamangala (for short 'Trial Court') on I.A.No.X filed by the defendants under Order XXVI Rule 10A read with Section 151 of CPC and Section 45 of the Indian Evidence Act, 1872, in O.S.No.02/2017, whereby the said application has been allowed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiff filed a suit in O.S.No.02/2017 before the Trial Court seeking for relief of specific performance of contract. After issuance of suit summons, the defendants appeared and filed their written statement. The defendants have denied the execution of the documents Ex.P-1 and P-2. Therefore, the defendants have filed I.A.No.X under Order XXVI Rule 10A of CPC read with Section 151 of CPC and Section 45 of the Indian Evidence Act, seeking expert opinion on the admitted and disputed signatures. The Trial Court, by order dated 14.01.2026, allowed the application. Aggrieved by the said impugned order passed by the Trial Court, the present writ petition is filed.

4. Having considered the submissions and the material on record, it is evident that the execution of Ex.P1 and Ex.P2 has been specifically denied by the defendants. In

such circumstances, obtaining an expert opinion for comparison of the disputed signatures with the admitted signatures is both relevant and necessary for proper adjudication of the dispute. The Trial Court has exercised its discretion judiciously in allowing the said application.

5. Viewed from any angle, there is no error or illegality in the impugned order passed by the Trial Court warranting interference by this Court.

6. Accordingly, the writ petition is **dismissed**.

7. However, the Trial Court is directed to dispose of the suit as expeditiously as possible, not later than ten months from the date of receipt of a certified copy of this order. Parties are directed to cooperate for early disposal of the suit.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 13