HC-KAR

NC: 2026:KHC:60651
WP No. 21738 of 2026

CNR: KAHC010473742026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 21738 OF 2026 (GM-CPC)

BETWEEN:

1. SMT.R. ARUNA
   D/O LATE. RAMACHANDRAPPA,
   AGED ABOUT 39 YEARS,

2. SMT. R. AMBIKA,
   D/O LATE. RAMACHANDRAPPA,
   AGED ABOUT 36 YEARS,

3. SRI.V. SUBRAMANI,
   S/O LATE. VENKATARAMANAPPA,
   AGED ABOUT 59 YEARS,

4. SRI. V. KANTHARAJU,
   S/O LATE VENKATARAMANAPPA,
   AGED ABOUT 57 YEARS,

5. SRI. V. VENUGOPALA
   S/O LATE. VENKATARAMANAPPA,
   AGED ABOUT 55 YEARS,

   ALL ARE RESIDENTS OF
   YADAVANAHALLI VILLAGE,
   ATTIBELE HOBLI, ANEKAL TALUK,
   BENGALURU - 562 107.

...PETITIONERS

(BY SRI. S VENKATESH SHASTRY., ADVOCATE)

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

AND:

1. SRI.MUNIYAPPA
   S/O LATE. MARIYAPPA,
   AGED ABOUT 82 YEARS,

2. SRI. A. ANANDA,
   S/O LATE. MARIYAPPA,
   AGED ABOUT 33 YEARS,

3. SRI. GOVINDAPPA,
   S/O SRI. MUNIYAPPA,
   AGED ABOUT 51 YEARS,

4. SMT. MANGALAMMA,
   W/O SRI. GOVINDAPPA,
   AGED ABOUT 39 YEARS,

5. SRI. M. VENKATASWAMY,
   S/O SRI. MUNIYAPPA,
   AGED ABOUT 45 YEARS,

   RESPONDENT No.1 TO 5
   ARE RESIDENTS OF
   YADAVANAHALLI VILLAGE,
   ATTIBELE HOBLI, ANEKAL TALUK,
   BENGALURU - 562 107.

6. SMT. V. KUSUMA,
   W/O SRI M. SREEDHAR,
   AGED ABOUT 51 YEARS,
   R/A NO. 77, 1ST AVENUE
   5TH MAIN, TEACHERS' COLONY,
   NEAR HSR RING ROAD, KORAMANGALA,
   BENGALURU - 560 034.

7. SRI. J. P MOHAN,
   S/O LATE. J. C PILLA REDDY,
   AGED BOUT 62 YEARS,
   NO. 12-85, RATHNA VILAS ROAD,

BASAVANAGUDI,
BENGALURU - 560 004.

…RESPONDENTS

(BY SRI. K.BHANU PRASAD, ADV FOR R2, R3 & R5;
SRI. N.CHANNAKRISHNAPPA, ADV FOR R6;
VIDE ORDER DATED 30.09.2026
NOTICE TO R7 IS HELD SUFFICIENT,
VIDE ORDER DATED 30.09.2026
NOTICE TO R1 AND R4 IS DISPENSED WITH.

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE ORDER/OBSERVATION DATED 05.03.2026 VIDE ANNEXURE-L, MADE BY THE LEARNED II ADDITIONAL SENIOR CIVIL JUDGE, ANEKAL IN OS NO.1122/2022 ETC.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition impugns the observations made in the deposition of PW.1 recorded on 05.03.2026, whereby the Court refused to mark the document dated 18.06.1987.

2. Learned counsel appearing for the petitioner submits that an application under Section 33 of the Karnataka Stamp Act, 1957, has been filed, seeking transmission of the document for quantification of the duty and penalty payable thereon. The said application is pending consideration.

3. Learned counsel, further relying on the Explanation to Section 3 of the Karnataka Stamp Act, submits that a copy of an instrument may also be subjected to quantification of duty and that the consequences provided under Chapters IV, VI, VII and VIII would apply accordingly, as if such copy were the original instrument.

4. In view of the pendency of the application under Section 33 of the Stamp Act before the Trial Court, it would suffice to direct the Trial Court to decide the said application. Subject to the outcome thereof, it is open to the petitioner to work out the remedies available in law.

5. This Court finds no error or infirmity warranting interference at this stage. Accordingly, the petition is ***dismissed***. The pending application shall be considered on its own merits, without being influenced by the impugned observations.

Sd/-
(K. V. ARAVIND)
JUDGE

TIN/List No.: 1 Sl No.: 14