HC-KAR

CNR: KAHC010748522026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34215 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. NETRAVATHI SWAMY
   W/O MR. B.S. KUMARASWAMY
   D/O LATE.K.N. SHANKARALINGAPPA,
   AGED ABOUT 60 YEARS
   R/O NO.158, 1ST FLOOR,
   6TH CROSS, 7TH MAIN,
   2ND BLOCK, JAYANAGAR,
   BANGALORE -560011.

...PETITIONER

(BY SRI SOWMYA R., ADVOCATE)

AND:

1. S NAGARAJ,
   S/O LATE. K.N.SHANKARALINGAPPA
   AGED ABOUT 72 YEARS
   R/O. NO.54, 3RD CROSS, 1ST STAGE,
   OKALIPURAM EXTENSION,
   BANGALORE - 560 021.

2. S.JAGADEESH
   S/O LATE.K.N. SHANKARALINGAPPA
   AGED ABOUT 67 YEARS
   R/O. KODALAGARA VILLAGE,
   DUGADIHALLI POST
   CHIKKANAYAKANAHALLI TALUK
   TUMKUR DISTRICT - 572 226

...RESPONDENTS

(BY SRI S.S. PARIKSHIT, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 01.10.2026 IN IA NO. 8/2026 FILED BY THE PLAINTIFF/ PETITIONER IN OS NO.25593/2008, ORDER 26 RULE 10 OF CPC READ WITH 151 OF THE CPC 1908 PENDING BEFORE HON'BLE XXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE BANGALORE (CH-29) (ANNX-D) 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 order dated 01.10.2026 passed in O.S. No. 25593/2008, whereby I.A. No. 8/2026 filed under Order XXVI Rule 10-A of the Code of Civil Procedure, 1908, came to be rejected.

2. Learned counsel appearing for the petitioner submits that eight Wills have been produced in the proceedings. It is contended that the parties claim their respective rights under the said Wills, the genuineness of which is in dispute. In that view, an application was filed seeking examination by a forensic expert.

2.1 It is further submitted that, notwithstanding the fact that the Wills have already been marked as exhibits along with

other documents, the Trial Court has erred in rejecting the application on the ground that the original Wills and admitted signatures were not produced.

3. *Per contra*, learned counsel appearing for the respondents submits that a series of applications have been filed when the suit is at the stage of final arguments, with the sole intention of protracting the proceedings.

3.1 It is further submitted that, in the absence of any admitted signature for the purpose of comparison with the signatures appearing on the disputed Wills, the Trial Court was justified in rejecting the application seeking to refer the Wills for expert examination.

4. Considered the submissions made by the learned counsel for the parties and perused the material on record.

5. The application filed under Order XXVI Rule 10-A of the CPC came to be rejected on two grounds. ***Firstly***, the non-availability of the original documents and, ***secondly***, the non-availability of admitted signatures for comparison by the expert.

6. This Court, in order to examine the correctness of the impugned order, has, with the assistance of learned counsel appearing for the petitioner, perused the grounds urged in the application. A careful perusal of the affidavit accompanying the application does not disclose any pleading with regard to the availability of admitted signatures against which the disputed signatures could be compared.

7. The very purpose of referring the documents for expert examination is to facilitate comparison of the disputed signatures with the admitted signatures. In the absence of any admitted signatures available for such comparison, the Trial Court was justified in rejecting the application.

8. This Court, therefore, finds no error or infirmity in the impugned order warranting interference.

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

Sd/-
(K. V. ARAVIND)
JUDGE

VP/List No.: 1 Sl No.: 24