



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

WRIT PETITION NO. 7459 OF 2022 (GM-CPC)

BETWEEN:

1. MRS. GULAB JAN
W/O LATE SARDAR
AGED ABOUT 45 YEARS
R/A SHAHEEDNAGAR
KOLAR-563101.
2. MRS. NOOR TAJ
W/O KALEEM
AGED ABOUT 42 YEARS
R/A SHAHINSHANAGAR
KOLAR-563101.
3. MRS. NAGEEN TAJ
W/O CHAND PASHA
AGED ABOUT 33 YEARS
R/A IDRISHA MOKKAN
NEAR KATARI PALYA
KOLAR-563101.
4. MR. BHAHADDUR
S/O LATE MOHAMMED YUNIS
AGED ABOUT 40 YEARS
R/A IDRISHA MOKKAN
NEAR KATARI PALYA
KOLAR-563101.

THE PETITIONERS NO.1 TO 4
ARE REPRESENTED BY THEIR
GPA HOLDER MR. ALLA BAKASH
S/O LATE MOHAMMED YUNIS
AGED ABOUT 40 YEARS
R/A IDRISHA MOKKAN
NEAR KATARI PALYA





KOLAR-563101.

5. MR. ALLA BAKASH
S/O LATE MOHAMMED YUNIS
AGED ABOUT 40 YEARS
R/A IDRISHA MOKKAN
NEAR KATARI PALYA
KOLAR-563101.

...PETITIONERS

(BY SRI NAVEED AHMED, ADV.)

AND:

SRI M. VENKATARAM
S/O MUNIYAPPA
AGED ABOUT 52 YEARS
R/A JAMBAPURA VEMGAL HOBLI
KOLAR-563103.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE IMPUGNED ORDER DATED 08.03.2022 IN I.A.NO.XIV IN O.S.NO.473/2012 IN THE FILE OF III ADDL. CIVIL JUDGE AND JMFC AT KOLAR AT ANNEXURE-A, AND CONSEQUENTLY ALLOW THE APPLICATION AS PRAYED FOR IN I.A.NO.XIV DATED 07.11.2020 VIDE ANNEXURE-E.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Article 226 and 227 of the Constitution of India is filed seeking for the following reliefs:

"A) Set aside the impugned order dated 08.03.2022 in I.A.No.XIV in O.S.No.473/2012 in the file of III Addl. Civil Judge & JMFC at Kolar at Annexure-A, and consequently allow the application as prayed for in



I.A.No.IV dated 07-11-2020 vide Annexure-E, in the interest of justice and equity.

B) Pass order/s, direction/s, as the Court may deem fit under the circumstances of the case in the interest of injustice and equity and to grant cost of proceedings".

2. Petitioners who are the legal representatives of original plaintiff Smt. Akhthar Begum had filed I.A.No.XIV before the Court of III Addl. Civil Judge & JMFC, Kolar in O.S.No.473/2012 under Order XXVI Rule 10A R/w Section 151 of CPC seeking appointment of Commission for scientific investigation to compare the thumb impression of the original plaintiff Smt. Akhthar Begum on the registered sale deed in dispute dated 18.10.2000 (Ex.D7) with the thumb impression of the plaintiff that are available in the plaint and vakalath in O.S.No.473/2012 . The said application was opposed by the contesting defendant by filing objection. The Trial Court vide the order impugned has rejected the application and aggrieved by the same, the petitioners are before this Court.

3. Perusal of the material on record would go to show that, mother of the petitioners herein, who is the original



plaintiff in O.S.No.473/2012 had filed the suit seeking declaration of the title over the suit schedule property and also for consequential relief of permanent injunction. In the said suit the contesting defendant had filed written statement on 04.04.2014 and the certified copy of the registered sale deed dated 18.10.2000 was produced along with written statement. Subsequently, issues were framed by the Trial Court on 13.10.2014 and during the course of trial the original plaintiff Smt. Akhthar Begum was examined as PW.1. She had not disputed execution of registered sale deed dated 18.10.2000 (Ex.D7) and during the course of her deposition as PW.1 before the Trial Court she has not stated that disputed sale deed dated 18.10.2000 (Ex.D7) was not executed by her and the thumb impression found in the said sale deed is not hers.

4. The disputed sale deed has been subsequently marked as Ex.D7 during the course of evidence led on behalf of the defendant and when the case was posted for final arguments present application was filed by the petitioners. The Trial Court having appreciated that the original plaintiff had not disputed the execution of sale deed either in her pleadings or



during the course of her deposition has rightly rejected the said application, which was belatedly filed by the petitioners when the suit was posted for final arguments. I do not find any illegality or irregularity in the order impugned and therefore I am of the opinion that this writ petition does not merit consideration.

5. Accordingly, the petition is dismissed.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

NMS
List No.: 1 Sl No.: 33