

**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND
JMFC, MADDUR**

Present: Smt. **Parvathi C.M.**^{BA.L.,LL.B.}
I Addl. Civil Judge & JMFC,
Maddur.

Dated this the 23rd day of January 2026

OS.No. 272/2015

Plaintiff/s : Smt. Jayamma,
-V/s-

Defendant/s : Smt. Puttalingamma and others,

Parties on Application

Applicant/s : Smt. Jayamma,

-V/s-

Respondent/s : Smt. Puttalingamma and others,

Date of filing of I.A	29.10.2025
Nature of the suit	Specific performance of contract
Date of filing of objection	02.12.2025
Stage of the case	Argument

ORDERS ON I.A

The plaintiff has filed this application under Order 26 Rule 10(A) r/w Section 151 of CPC seeking to issue Commission for scientific investigation for comparison of

the thumb impression of defendant No.1 to FSL for necessary opinion of the Handwriting expert in the interest of justice and equity.

2. The defendants have filed objection on said application and denied the all averments and prays to reject the application.

3. Heard and perused the materials on record.

4. The points that would arise for consideration of this court are:

1. *Whether the plaintiff has made out sufficient reason to allow the application?*
2. *What Order?*

5. My answers to the aforesaid points are as hereunder:

- Point No. 1 : In the affirmative;
- Point No. 2 : As per the final order for the following;

REASONS

6. **Point No. 1:-** In order to prove her application, the defendant has stated in her affidavit that, the suit filed by the plaintiff against the defendants for a relief of specific performance of contract. In this case the defendant No.1 has stated that she has not affixed the any thumb impression to

any document, hence the court may send the thumb impression in the Ex.P.1 to FSL to compare with the thumb impression of defendant No.1 by obtaining the same itself. And the admitted thumb impression mentioned in the application and thumb impression of defendant No.1 during the trial. Hence I have perused the entire materials available on record it is appears that the defendant No.1 is denied the execution of Ex.P.1 and also her thumb impression in Ex.P.1 itself. Therefore it is just and necessary to send the thumb impression of defendant No.1 to compare with the thumb impression in Ex.P.1 which is by name Puttalingamma. Therefore the plaintiff has made out the sufficient grounds to allow the application, hence this court has comes to conclusion and answered the point No.1 in the affirmative.

7. **Point No.2:-** In view of the answer to Point No.1, this court has proceeds to pass the following:

ORDER

The application filed by the defendant under Order 26 Rule 10(A) r/w Section 151 of CPC is hereby allowed.

(Smt.Parvathi C.M),
I Addl. Civil Judge & JMFC,
Maddur.

Order pronounced in the open court vide separate**ORDER**

The application filed by the defendant under Order 26 Rule 10(A) r/w Section 151 of CPC is hereby allowed.

The thumb impression of defendant No.1 is send to FSL of Mysuru to compare with the thumb impression in Ex.P.1 and the FSL commissioner fee is fixed of Rs.5000/-. Defendant counsel is hereby direct ed to deposit the commissioner fee and furnish the thumb impression of defendant No.1 in the open court as sample to compare with the thumb impression in Ex.P.1 and send the same to FSL.

For payment of commissioner fee and furnishing of thumb impression of defendant No.1.

Call on 04.02.2026.

(Smt.Parvathi C.M),
I Addl. Civil Judge & JMFC,
Maddur.