



**IN THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC AT K.R.NAGAR**

PRESENT: Sri. Aravindra B.C., B.A., L.L.B.,
Senior Civil Judge & JMFC,
K.R.Nagar.

Dated this the 29th day of July, 2025

O.S. No.31/2017

Plaintiff : Sri. M.Puttannaiah

-V/s-

Defendants : Smt. Sosigamma and others

Parties to I.A.No.XXII

Applicant : Sri. Swamygowda,
S/o Late Marimalegowda,
Aged about 64 years,
R/at: Cheernahalli village,
Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.

**..... Defendant No.17
(By Sri. C.L.M., Adv.)**

-V/s-

Opponent : Sri.M.Puttannaiah,
S/o Late Marimalegowda,
Aged about 68 years,
R/at: Cheernahalli village,



Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.

..... Plaintiff
(By Sri. T.G., Adv.)

Provision under which the application is filed	Under Order 26 Rule 10(a) R/w Section 151 of CPC.
Relief Sought For	Seeking permission to appointment of court commissioner
Stage of the case	For Arguments
The date on which the application is filed	27.05.2024
Number of the application	IA No.XXII
The date on which the objections are filed by the different opponents	04.07.2024
The date on which the orders were passed on the said application	29.07.2025

ORDER ON IA.No.XXII

The learned counsel for the defendant No.17 after completion of evidence of both the parties has filed this application under Order 26 Rule 10(A) R/w Section 151 of CPC seeking permission to sending the Ex.D4 to



handwriting expert for opinion along with the signatures of plaintiff found in vakalath.

2. The said application is objected by the plaintiff by filing objections.

3. Heard and perused the records.

4. On the basis of the above pleadings, the following points arise for consideration of this court:

1. Whether the application filed by the defendant No.17 under Order 26 Rule 10(A) R/w Section 151 of CPC seeking appointment of Court Commissioner i.e., a handwriting expert to examine the Ex.D4 to compare the signatures of plaintiff with vakalath deserves to be allowed?

2. What order?

5. The findings on the above points of this court are as follows:

Point No.1	:	In the Affirmative
Point No.2	:	As per final order for the following :



R E A S O N S

6. **Point No.1:-** The plaintiff has filed this suit for the relief of partition and separate possession with respect to the schedule properties.

7. On the other hand, the defendant No.17 has appeared before this court through his counsel and filed written statement. In the written statement, he contended that there was partition took place on 22.06.1990 under Panchayath Palupatti with respect to the plaint and written statement schedule properties. Now the plaintiff has denied the signature found at Ex.D4 which is unregistered Panchayath Palupatti dated 22.06.1990. Hence, the appointment of the court commissioner i.e., handwriting expert to compare the disputed signatures of the plaintiff found on Ex.D4 with admitted signatures of the plaintiff found on vakalath is very necessary.



8. According to plaintiff, there is no partition took place between the parties with respect to the schedule properties. The defendants have created the unregistered partition deed. But, on perusal of the documents and records it reveals that there is serious dispute regarding signature of the plaintiff. If the signatures tallies with the vakalath of plaintiff then, the genuineness of Ex.D4 can be ascertained. There are the admitted signatures available on record which are admittedly signed by the plaintiff such as, vakalath and plaint. This Ex.D4 is a material document of the suit on which the plaintiff is disputing the execution of the document. In order to ascertain that it is a genuine and legal document, the appointment of the commissioner is very much necessary. Therefore, in order to ascertain the truth-ness in the document, genuineness of the document, and veracity of the document, examination of the



signature of plaintiff on this Ex.D4 is very much necessary. Even, the burden is on the defendant No.17 to prove the execution of the document. Therefore, it will assist the both the parties in deciding the dispute in a just and proper manner. Therefore, for proper adjudication of the dispute between the parties, it is necessary to examine the signatures of plaintiff on Ex.D4 by appointing the hand writing expert and by sending this document for scientific investigation for obtaining the expert opinion. The expert opinion will assist the court in ascertaining the truth in the document. Therefore, in the best interest of both the parties, this document needs to be examined by the hand writing expert.

Accordingly, this court answered the Point No.1 is in the Affirmative.

9. **Point No.2:-** For the above said reasons, this court proceed to pass the following:-



ORDER

The IA No.XXII filed by the defendant No.17 under Order 26 Rule 10(A) R/w Section 151 of CPC seeking appointment of Court Commissioner is allowed.

The Deputy Director, Regional Forensic Science Laboratory, Mysuru is appointment as Court Commissioner to examine the signatures of plaintiff on Ex.D4 by comparing the same with vakalath and plaint of plaintiff found on the records.

The Court Commissioner fees is fixed at Rs.3,000/- tentatively.

The defendant No.17 is required to pay the Court Commissioner fees as fixed by the Truth Lab.

The plaintiff is directed to furnish the admitted signature of him near the period of 1990.



For payment of court fees on
16.08.2025.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **29th day of July, 2025]***

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**