

ORDER ON MEMO

Earlier the learned advocate for the plaintiffs had filed I.A.No. IX under Order XXVI rule 10A read with section 151 of CPC seeking for sending the Ex.D1-Will to FSL for examination of age of the ink. This Court vide its order dated 30/08/2023 had dismissed the said application. Against the said

order, the plaintiffs preferred Writ bearing W.P.No. 1061606/2023(GM-CPC) before the Hon'ble High Court of Karnataka, Dharwad bench. The Hon'ble High Court of Karnataka vide its order dated 22/03/2024 had allowed the petition and directed this Court to forward the Ex.D1-Will to the handwriting expert for the limited purpose of determining the age of the ink used in the signature of DW1 with that of the ink used by the attesting witness Nos. 1 and 2. Further the Hon'ble High Court of Karnataka had also directed this Court to dispose the suit at least within a period of one year from the date of receipt of the order.

On 14/06/2024, the learned advocate for the plaintiffs had produced the said order along with a memo stating that this Court may forward the Ex.D1-Will to State Forensic Science Laboratory, Sarjapura, Marathahalli road, Madiwal, Venkatappapura, HSR layout, 5st sector, Bengaluru-560068.

On perusal of the order passed by the Hon'ble High Court, it appears that this Court has to forward the Ex.D1-Will to handwriting expert only for limited purpose i.e., for determining the age of the ink of DW1- Sri. Hariyappa s/o Thimmappa Naik and the age of ink of two attesting witnesses by names Sri. R.N.Naik and Sri.

S.V.Naik. With these observations, I proceed to pass the following order,

ORDER

The memo is allowed.

The office is directed to send the original Ex.D-1 Will to State Forensic Science Laboratory, Sarjapura, Marathahalli road, Madiwal, Venkatappapura, HSR layout, 5th sector, Bengaluru-560068 through speed post with proper care and safety.

Office is also directed to keep the certified copy of the Ex.D1-Will in the office in safe custody for safer side. Office is also directed to send the photocopy of the order copy passed by the Hon'ble High Court of Karnataka in W.P.No. 106106/2023 (GM-CPC) along with present order passed by this Court.

The Authorised officer of State Forensic Science Laboratory, Sarjapura, Marathahalli road, Madiwal, Venkatappapura, HSR layout, 5th sector, Bengaluru-560068 is requested to intimate the proper fee for the determination as noted supra.

The Authorised officer of State Forensic Science Laboratory, Sarjapura, Marathahalli road, Madiwal, Venkatappapura, HSR layout, 5th sector, Bengaluru-560068 is also requested to submit his/her report as early as possible as the Hon'ble High Court of Karnataka has directed to dispose this suit within a period of one year from the date of receipt of this order.

Call on 09/08/2024.

**Pri.C.J & JMFC,
Honnavar.**