



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.100756 OF 2026 (GM-CPC)

BETWEEN:

SRI. BASAVANNEPPA S/O. FAKKIRAPPA ROTTI,
AGED ABOUT 71 YEARS, OCC. AGRICULTURE,
R/O. KUNKUR VILLAGE, TQ. KUNDAGOL,
DIST. DHARWAD-581119.

...PETITIONER

(BY SRI. S.S. BAWAKHAN, ADVOCATE)

AND:

SMT. SHANTAVVA W/O. PARAPPA ROTTI,
AGED ABOUT 76 YEARS,
OCC. AGRICULTURE AND HOUSEHOLD,
R/O. KUNKUR VILLAGE, TQ. KUNDGOL,
DIST. DHARWAD-581119.

...RESPONDENT



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA, PRAYING TO A. ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 05.01.2026 PASSED ON I.A. NO.10 IN OS NO.40/2019 BY THE CIVIL JUDGE AND JMFC, KUNDAGOL VIDE ANNEXURE-A. B. ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE TRIAL COURT TO ALLOW I.A. NO.10 AND SEND EX.P1 TO A COMPETENT HANDWRITING EXPERT FOR OPINION. C. PASS SUCH OTHER ORDER/S AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed aggrieved by the order passed in I.A.No.10 in O.S.No.40/2019 dated 05.01.2026 by the Civil Judge and JMFC, Kundagol.

2. The petitioner before this Court is the plaintiff in the suit. The plaintiff had filed the suit seeking specific performance of an Agreement of Sale. The respondent had filed their written statement stating that the signature is a forged signature and they have not executed the same. After the evidence of the parties was completed, at that time, I.A.No.10 was filed which came to be dismissed by the trial Court by way of order impugned.

3. While dismissing the application, the trial Court had observed that the plaintiff is relying upon an unregistered Agreement of Sale and it is upon the plaintiff to prove the fact of execution of alleged Agreement of Sale. On perusal of the order sheet, both the parties have concluded their evidence and matter



is posted for arguments. At the time when matter was posted for arguments, the plaintiff has come up with present application praying for sending Ex.P1 to handwriting expert which in turn causes delay in disposal of the matter. It is observed that the matter is pertaining to the year 2019. Both the parties have taken sufficient time to proceed with the matter. By considering the nature of the suit, the evidence available on the file of the trial Court is sufficient to adjudicate the matter and the trial Court do not find any reasons to send Ex.P1 to the handwriting expert for opinion. The trial Court had further observed that it does not find it just and proper to go to the merits of the matter. If suppose at this juncture, the trial Court goes to the merits of the matter and if the merits is touched, it is nothing but causing prejudice. However, the trial Court did not find any sufficient grounds and reasons to allow the application averments in the manner made out for which the opinion of handwriting expert is sought by the plaintiff and accordingly, dismissed the application.

4. Learned counsel appearing for the petitioner/plaintiff submits that when the defendant is denying the execution of the Agreement of Sale, the trial Court ought to have allowed this



application and if the trial Court is not inclined to send it for the expert opinion, the trial Court is also competent to compare the signatures. At least the trial Court should have taken up that exercise. It is submitted that in the light of the fact that the defendant is denying the execution of the Agreement of Sale, the trial Court ought to have allowed the application that is filed by the petitioner/plaintiff.

5. Having heard the learned counsel for the petitioner, perused the material on record. The suit is of the year 2019. The suit is filed seeking specific performance of an Agreement of Sale. The said Agreement of Sale is denied by the defendant in the written statement and the petitioner is aware of the same. Right from the year 2019 till the entire evidence is concluded, the petitioner has never sought for this exercise by the trial Court. Now, when the matter is posted for arguments at this stage, the trial Court cannot allow this application and in the considered opinion of this Court, the reasoning that is given by the trial Court is just and proper and no interference is called for. Hence, this Court is passing the following:



ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 SI No.: 27