



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201264 OF 2026 (GM-ST/RN)

C/W

WRIT PETITION NO. 201280 OF 2026 (GM-ST/RN)

IN WP No. 201264/2026:

BETWEEN:

SUNIL S/O ASHOK KOTI,
AGE: 46 YEARS, OCC: BUSINESS,
R/O KHB COLONY,
BEYOND SUB REGISTRAR'S OFFICE,
SOLAPUR ROAD, VIJAYAPURA-586101.

...PETITIONER

(BY SRI D.P. AMBEKAR., ADVOCATE)

AND:

1. SHRI SHRINIVAS
S/O SHAMARAO @ RAMARAO AMBALE,
AGE: 45 YEARS, OCC: BUSINESS,
R/O NEAR VETERINARY HOSTAL, SHIKARKHANE,
VIJAYAPURA-586101.
2. THE STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE, VIDHANA SOUDHA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING ANNEXURE-E, VIZ, IMPUGNED ORDER DATED 07.01.2026 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE, VIJAYAPURA, ERRONEOUSLY DISMISSING THE IA NO.III UNDER SECTION 33 AND 34 OF THE KARNATAKA STAMP ACT, 1957 R/W SECTION 151 OF THE CPC, 1908 IN OS NO.403/2024 AND FURTHER ALLOW THE SAID IA NO.III; B) SUCH FURTHER OR OTHER RELIEFS BE GRANTED TO WHICH THE PETITIONERS WOULD BE ENTITLED TO IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN WP NO. 201280/2026:

BETWEEN:

SUNIL S/O ASHOK KOTI,
AGE: 46 YEARS, OCC: BUSINESS,
R/O KHB COLONY BEYOND SUB REGISTRAR'S OFFICE,
SOLAPUR ROAD, VIJAYAPURA-586101.

...PETITIONER

(BY SRI D.P. AMBEKAR, ADVOCATE)

AND:

1. SHRI SHRINIVAS
S/O SHAMARAO @ RAMARAO AMBALE,
AGE: 45 YEARS, OCC: BUSINESS,
R/O NEAR VETERINARY HOSTAL,
SHIKARKHANE, VIJAYAPURA-586101.
2. THE STATE OF KARNATAKA,
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE, VIDHANA SOUDHA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING ANNEXURE-E, VIZ IMPUGNED ORDER DATED 07-01-2026 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE, VIJAYAPURA, ERRONEOUSLY DISMISSING THE IA NO. III UNDER SECTION 33 AND 34 OF THE KARNATAKA STAMP ACT, 1957, R/W SECTION 151 OF THE CPC, 1908 IN OS NO.402/2024 AND FURTHER ALLOW THE SAID I.A NO.III; B) SUCH FURTHER OR OTHER RELIEFS BE GRANTED TO WHICH THE PETITIONERS WOULD BE ENTITLED TO IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

The question that arises for consideration in these Writ Petitions has been considered by the Hon'ble Supreme Court in the case of **Seetharama Shetty vs. Monappa Shetty** reported in **2024 SCC OnLine SC 2320** and in paragraph No.21.8 it is observed as follows:

"21.8. The scheme does not prohibit a party to a document to first invoke directly the jurisdiction of the District Registrar and present the instrument before Court/Every Person after complying with the requirement of duty and penalty. In such an event,



the available objection under Sections 33 or 34 of the Act is erased beforehand. The quantum of penalty is primarily between the authority/court and the opposing party has little role to discharge.”

2. Learned counsel for the petitioner submits that the document in question is a compulsorily registerable document as provided under Section 17 of the Registration Act and therefore, liberty may be reserved to the petitioner to raise the said objection before the Trial Court at an appropriate stage.

3. The said submission is placed on record.

4. The Writ Petitions are ***dismissed*** with liberty as prayed for.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SWK
List No.: 1 Sl No.: 15
CT:PK