



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 63210 OF 2016 (GM-CPC)

BETWEEN:

1. SRI T K DHARANESHA

SINCE DECEASED BY HIS LRS

1A SMT. SARASWATHI
W/O. LATE DHARANESHA
AGED ABOUT 46 YEARS
R/AT THAMALAPURA VILLAGE
CHIKKAMMA DODDAMMA TEMPLE
KASABA HOBLI, HASSAN TALUK
HASSAN- 573201

1B SRI. VINAY GANDHI
S/O. LATE T.T.KARIGOWDA
AGED ABOUT 57 YEARS
R/AT THAMALAPURA VILLAGE
CHIKKAMMA DODDAMMA TEMPLE
KASABA HOBLI, HASSAN TALUK
HASSAN- 573201

...PETITIONERS

(BY SRI. N.S.BHAT, ADVOCATE FOR
SRI. SATHISH, ADVOCATE)





AND:

SRI T D CHANDAN
ALLEGED TO BE THE SON
OF T K DHARANESHA
AGED ABOUT 45 YEARS
C/O H S DODDAIAH
3RD CROSS VALLABAI ROAD,
HASSAN - 573201

...RESPONDENT

(BY SRI. R S HEGDE, ADVOCATE FOR C/R)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE PRL. SENIOR CIVIL JUDGE, HASSAN ON I.A.NO.37 IN O.S.NO.257/2005, DTD 02.11.2016 VIDE ANNEX-F CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER ORDER 26 RULE 10(A) CPC.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri. N.S.Bhat, the learned counsel for the petitioners, and Sri. R.S.Hegde, the learned counsel for the respondent, are heard for final disposal of this petition, which is filed impugning the order dated 02.11.2016 in O.S.No.257/2005 on the file of the Principal Senior Civil Judge, Hassan [for short, '*the civil Court*']. The civil Court by this order has rejected the application [I.A.No.XXXVII] filed by the deceased



first defendant – the petitioner, who is now represented by the legatees under Order XXVI Rule 10(A) of the Code of Civil Procedure, 1908 [for short, ‘CPC’] for DNA profiling.

After being heard for sometime, Sri. N.S.Bhat submits that the petition could be disposed of observing that the petitioners shall be at liberty, if there is occasion, to raise the question of rejection of the subject application as contemplated under Section 105 of CPC.

This Court on perusal of the records, is of the considered view that such request must be accepted, and the petition stands disposed of with liberty as aforesaid but subject to all just exceptions in law.

Sd/-
JUDGE

RB