



CNR: KAHC010178562026

NC: 2026:KHC:46244
MFA No. 1868 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1868 OF 2026

(CPC)

BETWEEN:

1. SRI. THIMMAIAH C,
S/O CHIKKANNA,
AGED ABOUT 82 YEARS,
2. SMT. SHOBHA
W/O LATE KRISHNA MURTHY,
AGED ABOUT 45 YEARS,
3. KUM. PALLAVI,
D/O LATE KRISHNA MURTHY,
AGED ABOUT 27 YEARS,
4. KUM. CHAITRA,
D/O LATE KRISHNA MURTHY,
AGED ABOUT 26 YEARS,

ALL R/AT HUJENAHALLI VILLAGE,
MANIGANAHALLI MUJURE, KUDUR HOBLI,
MAGADI TALUK, RAMANAGARA DISTRICT-562 120.
5. SRI. MUNIRANGE GOWDA,
S/O RANGA SWAMY V,
AGED ABOUT 41 YEARS,
R/AT NO. 318, NEAR LIBRARY,
THALAGHATTAPURA VILLAGE,

Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



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KANAKAPURA MAIN ROAD,
BANGALORE SOUTH TALUK,
BANGALORE URBAN DISTRICT.560 109.

6. SRI. SURESH KUMAR,
S/O RANGA SWAMY V,
AGED ABOUT 39 YEARS,
R/AT NO. 318, NEAR LIBRARY,
THALAGHATTAPURA VILLAGE,
KANAKAPURA MAIN ROAD,
BANGALORE SOUTH TALUK,
BANGALORE URBAN DISTRICT-560 109.
7. SRI. TATHVESH GOWDA,
S/O GIRIYAPPA,
AGED ABOUT 72 YEARS,
R/AT NO. 552, 2ND CROSS, LAKE ROAD,
CHOKKASANDRA, T. DASARAHALLI,
BANGALORE NORTH TALUK,
BANGALORE-560 057.

...APPELLANTS

(BY SRI. RAMESH K.,ADVOCATE)

AND:

1. SRI RAMESH T
S/O THIMMAIAH C,
AGED ABOUT 58 YEARS,
R/AT NO. 5, 4TH CROSS, NISARGA SCHOOL ROAD,
S.R. LAYOUT, SIDIDEDAHALLI, H
ESARAGHATTA MAIN ROAD,
BANGALORE-560 073.
2. SRI. HANUMANTHAIAH T,
S/O THIMMIAH,
AGED ABOUT 50 YEARS,
R/AT A0211 EDEN 'A' BLOCK,
BRIGADE CORNER STONE UTHOPIA,
VARTHUR SARJAPUR ROAD, GUNJUR,
BANGALORE RURAL-560 087.



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3. SMT. ANUSUYA T,
W/O GIRISH B.A.,
AGED ABOUT 46 YEARS,
R/AT NO. 45, K-NILAYA,
NEAR KRISHNA ENGG. COLLEGE,
GUTTE BASAVESWAR NAGAR,
CHIKKABANAVAR POST, BANGALORE-560 090.
4. SMT. SHARADA T,
W/O RAJESH K,
AGED ABOUT 45 YEARS,
R/AT NO.38, MIG, K.H.B. COLONY,
OPP. POST OFFICE, 8TH BLOCK, KORAMANGALA,
BANGALORE SOUTH, BANGALORE-560 095.
5. SRI. GOVINDA RAJU T,
S/O THIMMIAH C,
AGED ABOUT 52 YEARS,
R/AT NO. 39, 1ST FLOOR, 2ND CROSS,
BNR SCHOOL, SHETTYHALLI, MALLASANDRA
MARKET, BANGALORE NORTH, BANGALORE-560 015.
6. SRI. MOHAMMAD JUL FIKAR AHAMAD,
S/O MOHAMMAD ASMAR,
AGED ABOUT 58 YEARS,
R/AT NO 335, MURTHY MAHAL ROAD, PATHANA
WADI, CHANNAPATNA TALUK, RAMANAGAR
DISTRICT. 562 160
7. SRI. KHALEEL ULLA S.A.,
S/O SYED ABDUL LATHIF,
AGED ABOUT 48 YEARS,
R/AT NO. 14/2, 2ND MAIN, K.H.B. COLONY,
BANGALORE-560 018.
8. SRI. MOHAMMAD ISHAQ K,
S/O MD. IBRAHIM SAHED,
AGED ABOUT 76 YEARS,
R/AT NO. 25/46, 9TH CROSS,



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KARAMCHAND LAYOUT,
LINGARAJPURAM, BANGALORE-560 084.

9. SRI. CHIKKANNA
S/O THIMMAIAH,
AGED ABOUT 42 YEARS,
R/AT NO.13, VENKATESWARA LAYOUT,
NEAR KOTE MARAMMA TEMPLE,
CHIKKABANAVARA, BANGALORE-560 090.

...RESPONDENTS

(BY SRI. V.N. SHANKARE GOWDA., ADVOCATE FOR C/R1)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST
THE ORDER DATED 13.02.2026 PASSED ON I.A.NO.1 IN
OS.NO. 1584/2025 ON THE FILE OF THE I ADDITIONAL
SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU, ALLOWING THE I.A.NO.1 FILED UNDER ORDER 39
RULE 1 AND 2 READ WITH SECTION 151 OF CPC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal filed before this Court is not maintainable
in view of Section 19(1) of the Karnataka Civil Courts Act,
1964 and the judgment rendered by the Division Bench of
this Court in **Smt. Narayanamma -vs- The State of
Karnataka** in Writ Petition No.17588 of 2024 (GM-RES)
c/w Writ Appeal No.200260 of 2025 (GM-RES) dated 8th



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July, 2026, which is affirmed by the Hon'ble Supreme Court in SLP(c) No.025075/2026 dated 3.8.2026.

2. In view of the above, this Court deems it appropriate to transfer this matter to the concerned District Court for adjudication of the matter from the stage where it is stopped.

3. Accordingly, I pass the following:

ORDER

- i) The appeal stands **disposed of** for statistical purposes.
- ii) Registry is directed to transfer the entire record of the case, to the concerned Principal District & Sessions Judge, who may assign it to the concerned Appellate Court having jurisdiction.



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- iii) In case there are pending applications, the same also be transferred to be considered by the learned Judge of the concerned Appellate Court, in accordance with law.
- iv) It is made clear that this Court has not made any observation as to the merits of the case and all rights and contentions of the parties are left open to be agitated before the concerned Appellate Court.
- v) Learned counsel for appellants and learned counsel for the respondents are present. Hence, the parties shall appear before the learned District Judge on 21.09.2026 without awaiting further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 32