



CNR: KAHC010228232026

NC: 2026:KHC:45727
MFA No. 2397 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 2397 OF 2026 (CPC)

BETWEEN:

1. SRI SEENAPPA
S/O YELLAPPA,
AGED ABOUT 54 YEARS,
RESIDING AT NO.116, GHATTAHALLI VILLAGE,
HUSKUR, SARJAPURA HOBLI,
ANEKAL TALLUK,
BENGALURU DISTRICT - 560099.
2. SMT. SHARADAMMA
D/O YELLAPPA, W/O MUNIRAMAIAH,
AGED ABOUT 58 YEARS,
RESIDING AT NO. 63,
CHIKKANAGAMANGALA,
HUSKUR. BENGALURU
DISTRICT -560099.
3. SMT. YALLAMMA
AGED ABOUT 58 YEARS,
D/O YELLAPPA, W/O JAYARAMAPPA,
RESIDING AT NO.71, DASANAPURA,
ATTIBELE. BENGALURU DISTRICT.-562125.
4. SMT. RATHNAMMA
D/O YELLAPPA,

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



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AGED ABOUT 59 YEARS,
RESIDING AT HANDENAHALLI VILLAGE,
ANEKAL TALLUK.
BENGALURU DISTRICT.-562125.

5. MADDURAMMA @ PADMA VENKATESH
D/O YELLAPPA, W/O VENKATESH
AGED ABOUT 54 YEARS, RESIDING AT NO-84,
KARNUR, HOSUR, MATHIGIRI,
HOSUR CATTLE FARM, KRISHNAGIRI,
TAMIL NADU-635110.

6. SMT. KAVYA
D/O YELLAPPA, RESIDING AT NO.90,
KRISHNARAJAPURAM,
AGED ABOUT 51 YEARS,
MARAGONDANAHALLI VILLAGE,
BENGALURU DISTRICT.-560036

...APPELLANTS

(BY SRI. BALARAJ M. V.,ADVOCATE)

AND:

1. SRI.NARAYANAPPA
S/O LATE THANNANJAPPA,
AGED ABOUT 61 YEARS,
2. SRI. RAJAPPA N
S/O NARAYANAPPA,
AGED ABOUT 47 YEARS,
3. SRI. DARSHAN R.
S/O NARAYANAPPA,
AGED ABOUT 20 YEARS,



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4. NANDHITHA.R.
D/O NARAYANAPPA,
AGED ABOUT 18 YEARS,
RESPONDENT NO.1 TO 4 ARE
RESIDING AT HEBBAGODI,
BANGALORE-560099.
5. SMT. GOWRAMMA
D/O NARAYANAPPA,
AGED ABOUT 48 YEARS,
RESIDING AT RAMASANDRA, MUTTANALLUR,
BANGLORE-560099.
6. SMT. SUJATHA.N.
D/O NARAYANAPPA,
AGED ABOUT 40 YEARS,
RESIDING AT NO.485,
YARANDAHALLI, JIGANI,
BANGLORE-560105.
7. SRI. MANJUNATHA H.N.
S/O LATE NARAYANAPPA,
AGED ABOUT 38 YEARS,
RESIDING AT NO.20, HEBBAGODI,
BANGALORE-560099.
8. SMT. AMMAYAMMA
D/O LATE THANNANJAPPA,
AGED ABOUT 59 YEARS, RESIDING AT NO 297,
MAYASANDRA, ANEKAL,
BANGALORE-560107.
9. SRI. KRISHNAPPA
S/O LATE THANNANJAPPA,



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AGED ABOUT 68 YEARS,
RESIDING AT MAYASANDRA,
ANEKAL, BANGLORE-560107.

10. SMT. GUNASHILA
D/O KRISHNAPPA,
AGED ABOUT 43 YEARS, RESIDING AT
MAYASANDRA, ANEKAL,
BANGLORE-560107.
11. SMT. MANJULA,
D/O KRISHNAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT NO. 1094,
BALAGARAHALLI VILLAGE, NERALURU,
ANEKAL,
BANGLORE-562107.
12. SMT. JAYYAMMA
D/O LATE THANNANJAPPA,
AGED ABOUT 63 YEARS,
RESIDING AT YERANDAHALLI, JIGANI, BANGLORE-
560105.
13. SRI. YELLAPPA.T.
S/O LATE THANNANJAPPA,
AGED ABOUT 54 YEARS,
14. SRI. BABU.Y.
S/O YELLAPPA,
AGED ABOUT 32 YEARS,
15. SMT. BHAGYA.
D/O YELLAPPA,
AGED ABOUT 28 YEARS,



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16. SRI. NARENDRA
S/O YELLAPPA,
AGED ABOUT 25 YEARS,
17. SMT. NAGAMMA
D/O YALLAPPA, W/O KRISHNAPPA,
AGED ABOUT 64 YEARS,
18. SMT. MAHADEVI @MADHAVI G.K
D/O KRISHNAPPA,
AGED ABOUT 46 YEARS,
19. SMT.VARALAKSHMI
D/O KRISHNAPPA, AGED ABOUT 44 YEARS,
RESPONDENT NO.13 TO 19 ARE
RESIDING AT GATTAHALLI VILLAGE, SARJAPURA
HOBLI, ANEKAL TALUK,
BANGALORE DISTRICT 560099.
20. M/S. AKARSHA REALTY PRIVATE LIMITED.
REP BY ITS AUTHORIZED SIGNATORY SRI.
B.M.JAYESHANKAR, RESIDING AT NO.2/4,
LANGFORD GARDENS, RICHMOND TOWN,
BANGALORE-560025.
21. M/S. AKARSHAK REALTY PRIVATE LIMITED.
REP BY ITS AUTHORIZED SIGNATORY
MR. B.M.KARUNESH,
RESIDING AT NO.2/4,
LANGFORD GARDENS,
RICHMOND TOWN,
BANGALORE-560025.
22. M/S SHIVAKAR DEVELOERS PRIVATE LTD.
REPRESENTED BY IT'S MANAGING DIRECTOR,
MR. B.M.JAYESHANKAR,



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23. M/S SHIVAKAR INFRA PRIVATE LTD.
REPRESENTED BY IT'S AUTHORIZED SIGNATORY
MR. BM.JAYESHANKAR,
24. M/S SHRESHTA APARTMENTS PRIVATE LTD.
REPRESENTED BY IT'S AUTHORIZED SIGNATORY
MR. B.M.JAYESHANKAR,
RESPONDENTS NOS.22 TO 24 ARE
RESIDING AT NO.245,
18TH CROSS, SADASHIVNAGAR,
UPPER PALACE ORCHARDS,
BANGALORE-560025.
25. M/S VISTRA ITCL (INDIA) LIMITED
REPRESENTED BY IT'S AUTHORIZED SIGNATORY
MR. PALASH SINGH
RESIDING AT THE ILANDFS FINANCIAL CENTRE,
PLOT NO.22, G-BLOCK,
BANDRA KURLA COMPLEX,
BANDRA (EAST),
MUMBAI-400051.

...RESPONDENTS

(BY SRI.H.R.MANJUNATH., ADVOCATE FOR R21 TO R24)

(NOTICE TO OTHER RESPONDENTS DISPENSED WITH)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST
THE ORDER DATED 02.02.2026 PASSED ON I.A.NO.I IN
OS.NO.124/2025 ON THE FILE OF THE II ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, ANEKAL, DISMISSING THE
I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC.
ORDER DATED 23.06.2026.SBA 8.7.2026



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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 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.



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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.
- 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.



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- 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.: 36