



NC: 2026:KHC:47566
MFA No. 5429 of 2025

CNR: KAHC010482412025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 5429 OF 2025 (CPC)

BETWEEN:

MOIN KHAN A.K.A.,
MOINUDDIN KHAN,
AGED ABOUT 44 YEARS,
SON OF MOHIYUDDIN KHAN,
RESIDING AT NO.26/1,
KHAN'S RESIDENCY,
1ST MAIN, 2ND CROSS, B.M. ROAD,
BISMILLAH NAGAR,
BANGALORE – 560 029.

...APPELLANT

(BY SRI. ABDUL WAJID S A., ADVOCATE)

AND:

1. KRISHNAPPA B.M.,
AGED ABOUT 65 YEARS,
SON OF MADIAH,
RESIDING AT BASAVANAPURA,
BEGUR HOBLI, BANGALORE SOUTH
TALUK, BANGALORE.
2. THE COMMISSIONER,
BANGALORE MAHANAGARA PALIKE,
N.R. SQUARE, BANGALORE – 560 002.



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3. THE CHAIRMAN,
BANGALORE WATER SUPPLY AND
SEWERAGE BOARD,
BWSSB BUILDING, K.G. ROAD,
BANGALORE – 560 002.
4. THE MANAGING DIRECTOR,
BANGALORE METRO RAIL
CORPORATION LTD.,
3RD FLOOR, BMTc COMPLEX,
K.H. ROAD, BANGALORE – 560 027.

...RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 06.06.2025 PASSED ON I.A.NO.III IN OS.NO.1474/2018 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, REJECTING THE I.A.NO.VIII FILED UNDER ORDER 39 RULES 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)



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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.

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



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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) Since the parties are represented before this Court, they shall appear before the learned District Judge on **22.09.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

SSD
List No.: 1 Sl No.: 40