



NC: 2026:KHC:49374
CP No. 312 of 2026

CNR: KAHC010611552026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL PETITION NO. 312 OF 2026

BETWEEN:

1. SMT.MAHADEVAMMA
W/O MUDDAPPA
AGED ABOUT 56 YEARS
RESIDING AT NEAR
GRAMAPANCHAYATH OFFICE,
ALANAHALLI MAIN ROAD,
ALANAHALLI,
MYSURU TALUK.
2. SMT.CHIKKAMMA
W/O SIDDARAJU
AGED ABOUT 51 YEARS
R/AT NO.27,
RAMA MANDIRA ROAD,
YARAGANAHALLI,
MYSURU - 570 011.

...PETITIONERS

Digitally signed
by ANUSHA V

Location: High
Court of
Karnataka

(BY SRI RAJESHWARA P.N. ADVOCATE
SRI RAJIV R., ADVOCATE AND
SMT.SHILPA K., ADVOCATE)

AND:

1. SMT.SAKAMMA
W/O LATE BASAVEGOWDA
AGED ABOUT 89 YEARS
2. SRI BASAVARAJU
S/O LATE BASAVEGOWDA
AGED ABOUT 68 YEARS



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3. SMT.MAHADEVAMMA
D/O LATE BASAVEGOWDA
AGED ABOUT 65 YEARS,
4. SMT. CHIKKAMMA @ LAKSHMAMMA
D/O LATE BASAVEGOWDA
AGED ABOUT 62 YEARS
5. SRI NANJAPPA
S/O LATE BASAVEGOWDA
AGED ABOUT 59 YEARS
6. SRI MAHADEVU,
S/O LATE BASAVEGOWDA
AGED ABOUT 56 YEARS
7. SMT.LINGAMMA
D/O LATE BASAVEGOWDA
AGED ABOUT 52 YEARS
8. SMT.BHAGYA
D/O LATE BASAVEGOWDA
AGED ABOUT 48 YEARS

RESPONDNETS NO.1 TO 8 ARE
RESIDING AT NO.467,
JANATHA BADAVANE,
YARAGANAHALLI,
MYSURU - 570 011.

9. SRI A.C NAGARAJU
S/O CHIKKANNA
AGED ABOUT 45 YEARS,
R/A AALAGUNDU VILLAGE,
ARAKERE HOBLI,
SRIRANGAPATANA TALUK,
MANDAYA - 571 410.
10. SRI M.J APPUGOWDA
S/O JAVAREGOWDA,
AGED ABOUT 62 YEARS
R/A KALAHALLI,
ARAKERE HOBLI,
6TH CROSS, V.V. NAGARA,
MANDYA - 571 410.



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11. SMT.NINGAMMA
W/O LATE MOGANNA,
AGED ABOUT 72 YEARS
12. SMT.LATHA
W/O LATE MAHESH,
AGED ABOUT 45 YEARS,
13. SMT.POOJA
D/O LATE MAHESH
AGED ABOUT 30 YEARS
14. SMT.THEJASHWINI
D/O LATE MAHESH
AGED ABOUT 27 YEARS
15. SRI VENKATESHA,
S/O LATE MOGANNA,
AGED ABOUT 52 YEARS
16. SRI MANJUNATHA,
S/O LATE MOGANNA,
AGED ABOUT 46 YEA
17. SRI BHARATHI
D/O LATE MOGANNA,
AGED ABOUT 47 YEARS

RESPONDENTS 11 TO 17 ARE
RESIDING AT NO.24,
HONNAPPANA MANE ROAD,
YARAGANAHALLI VILLAGE,
KASABA HOBLI,
MYSURU - 570 001.

...RESPONDENTS

THIS CP IS FILED U/S. 24 R/W SEC.151 OF CPC PRAYING TO
TRANSFER AND TRANSMIT RFA NO.481/2020, ARISING FROM OS
NO.785/2014, TO THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MYSURU, UNDER SECTION 24(1)(a) OF CPC READ WITH
SUBSTITUTED SECTION 19 OF THE KARNATAKA CIVIL COURTS ACT,
1964, AND ETC.,



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THIS PETITION IS COMING ON FOR *HEARING ON I.A.*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

This petition is filed under Section 24 read with Section 151 of Code Of Civil Procedure, 1908 (**CPC**) seeking following reliefs:

"a) take note of the confirmed pendency of R.F.A. No.481/2020 before this Hon'ble Court at the notice-to-LRs stage and of R.A. No.91/2021 before the II Additional Senior Civil Judge and CJM, Mysuru, at the final- arguments stage;

b) transfer and transmit R.F.A. No.481/2020, arising from O.S. No.785/2014, to the Principal District and Sessions Judge, Mysuru, under Section 24(1)(a) of CPC read with substituted Section 19 of the Karnataka Civil Courts Act, 1964;

c) to withdraw R.A. No.91/2021 from the file of the II Additional Senior Civil Judge and CJM, Mysuru, under Section 24(1)(b) of CPC and transfer to District Judge/Additional District Judge before whom the transferred RFA is placed;

d) direct that the two appeals be heard analogously or consecutively by the same Presiding Officer, while retaining separate records, separate points for determination and separate judgments, and further direct that I.A. No.2 in R.A. No.91/2021 be considered as the first threshold point;

e) in the alternative, only if this Hon'ble Court concludes that R.F.A. No.481/2020 is to be lawfully retained before it, withdraw R.A. No.91/2021 pending in the files of Additional Senior Civil Judge and CJM,



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Mysuru, and to be place before this Hon'ble Court for analogous or consecutive hearing with the RFA;

pass such other order as this Hon'ble Court deems fit in the interests of justice and equity."

2. Sri PN Rajeshwar, learned counsel for petitioners submitted that case of action for filing this petition arises out of two different suits being filed in respect of land bearing Sy.no.9/3 of Yaraganahalli village, Mysuru, wherein petitioners were defendants and staking their rights in respect of said land as legatees under Will. It was submitted that land bearing Sy.no.9/3 originally belonged to Smt.Muddamma. OS no.27/2012 was filed by Basavegowda and Basavaraju for permanent injunction in respect of 1 Acre 3 Guntas of land in Sy.no.9/3 claiming right under oral partition and arraying petitioners herein as defendants no.1 and 2 along with others. It was submitted that one Ningamma had filed suit for OS no.785/2014 for declaration of title and permanent injunction in respect of 2 Acres 9 Guntas in Sy.no.9/3, claiming rights under registered Sale Deed executed by son of Muddamma. It was submitted, petitioners herein were arrayed as defendants no.1 and 2 along with others. It was submitted in both suits, right in respect of land claimed by petitioners herein was as legatees of



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Muddamma. It was submitted, OS no.785/2014 was decreed on 31.10.2019. Though decree of declaration granted in favour of Ningamma was challenged in RFA no.481/2020, learned trial Judge in OS no.27/2012 relying heavily on decree in OS no.785/2014 granted injunction in favour of plaintiffs in OS no.27/2012 under decree dated 06.04.2021. It was submitted that petitioners have challenged said decree in RA no.19/2021. It was submitted that while appeal against decree in OS no.785/2014 was pending before this Court, appeal against decree in OS no.27/2012 was pending before Senior Civil Judge, Mysuru.

3. It was submitted, by Act no.33/2024, amending Section 19 of Karnataka Civil Courts Act, 1964 and decision of this Court in **Smt.Narayanamma v. State of Karnataka** (WP no.17588/2024 c/w WA no.200260/2025 disposed of on 08.07.2026) and its confirmation by Hon'ble Supreme Court in SLP(C)no.25075/2026, first appeal was required to be transferred to District Court. Consequently, two different Courts would be dealing with same subject matter and there was likelihood of contradictory judgments as well as denial of opportunity to petitioners herein as decree in declaration suit



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was found to be weighing heavily on Court dealing with injunction decree. On said ground, sought for allowing petition for transfer of RFA no.481/2020 pending before this Court to Court of Senior Civil Judge and CJM, Mysuru, presently dealing with RA no.91/2021 and to pass common judgment.

4. Heard learned counsel and perused material on record.

5. Though there is some substance in submission that decree of declaration of title granted in favour of Ningamma may not directly inure to benefit of plaintiffs in OS no.27/2012 and therefore decree in OS no.27/2012 without consideration of merits may be unsustainable, same however requires to be urged in pending appeal i.e., RA no.19/2021. Mere fact that petitioners were defendants in both suits and had taken common contention claiming as legatees in both suits would not impress this Court for transafer as OS no.27/2012 was pending for nine years and OS no.785/2014 was pending for five years during which petitioners herein had not filed application for clubbing/transfer.



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6. For aforesaid reasons, I do not find any justification for entertaining petition for transfer. Petition is ***dismissed***.

In view of dismissal, pending applications, if any, stand *dismissed*.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV
List No.: 1 Sl No.: 3