HC-KAR

NC: 2026:KHC:64118
MFA No. 698 of 2024

CNR: KAHC010002702024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 698 OF 2024 (CPC)

BETWEEN:

1. MRS SAROJA RAGHUPATHY RAO
   AGED ABOUT 76 YEARS
   W/O LATE Y.V. RAGHUPATHY,
   R/AT "SARAGH", HALIFAX ENCLAVE,
   PUTHUKKALARATTOM, ELAMAKKARA,
   ERNAKULAM, KERALA - 682 026

2. MR. VINOD RAGHUPATHY
   S/O LATE Y.V. RAGHUPATHY
   R/AT FLAT NO.A-601,
   MANTRI ELITE APARTMENT, B.G. ROAD,
   BELEKAHALLI, BENGALURU SOUTH,
   BENGALURU -76

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

3. MRS. VINITHA R.
   D/O LATE M.V. RAGHUPATHY
   W/O MR. SATHISH S.
   R/AT AT 34/3406
   AKSHAYA T.P. ROAD,
   EDAPPALLI POST,
   ERNAKULAM, KERALA - 620 24

...APPELLANTS

(BY SMT. MAMATHA D.N., ADVOCATE)

AND:

1. THE SOUTH CANARA DISTRICT
CENTRAL CO-OPERATIVE BANK LTD.
OFFICE AT K.M. MARGA, UDUPI,
BY ITS SECRETARY

2. SOUTH CANARA DISTRICT
CENTRAL CO-OPERATIVE BANK LTD.
HEAD OFFICE AT KODIYAL BAILU,
MANGALURU - 575 003
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER

…RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 12.09.2023 PASSED ON I.A.NO.II IN OS.NO. 62/2022 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, UDUPI, DISMISSING THE I.A.NO.II FILED UNDER ORDER 39 RULE 1 AND 2 R/W 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 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:

O R D E R

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.

v) List this matter before the District Court on **14.12.2026.**

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NMS
List No.: 1 Sl No.: 28