HC-KAR

NC: 2026:KHC:63978
MFA No. 747 of 2022
C/W MFA No. 860 of 2022

CNR: KAHC010045152022

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. 747 OF 2022 (CPC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 860 OF 2022 (CPC)

IN MFA No. 747/2022

BETWEEN:

LATE SRI M NAGARAJU
SINCE DECEASED BY HIS LRS

1. SMT RATHNAMMA
W/O LATE M NAGARJU
AGED ABOUT 53 YEARS
R/AT NO.55, 2ND MAIN
VIVEKANANDA COLONY
2ND STAGE, BANASHANKARI
BENGALURU - 560 071.

2. SMT V CHANDRAKALA
D/O LATE M NAGARAJU
AGED ABOUT 48 YEARS
R/AT NO.29, 1ST MAIN
4TH CROSS, GANGADHAR NAGAR
SHAKAMBARINAGAR
1ST PHASE J P NAGAR
BENGALURU - 560 078.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

3. SRI N MANJESH
S/O LATE M NAGARAJU
AGED ABOUT 44 YEARS
R/AT NO.21/11, PURANDARADAS ROAD
8TH CROSS, KADERANAHALLI
2ND STAGE, BANASHANKARI
BENGALURU - 560 070.

4. SMT N JAYALAKSHMAMMA
W/O LATE M NAGARAJU
AGED ABOUT 70 YEARS
R/AT NO.58/2, 11TH MAIN
7TH CROSS, J P NAGAR, 1ST PHASE
SHAKAMBARINAGAR
BENGALURU - 560 078.

5. SRI. N. MUNIRAJU
S/O LATE M. NAGARAJU
AGED ABOUT 45 YEARS
R/AT NO.58/2, 11TH MAIN
7TH CROSS, J P NAGAR, 1ST PHASE
SHAKAMBARINAGAR
BENGALURU - 560 078.

6. SRI N HARISH
S/O LATE M NAGARAJU
AGED ABOUT 40 YEARS
R/AT NO.45, 3RD CROSS
VIVEKANANDA COLONY
J.P. NAGAR
BENGALURU - 560 076.

7. SRI SATHISH
S/O LATE M NAGARAJU
AGED ABOUT 42 YEARS

R/AT NO.58/2, 11TH MAIN, 7TH CROSS
J.P. NAGAR, 1ST PHASE,
SHAKAMBARINAGAR
BENGALURU - 560 078.

8. SRI RAVI
S/O LATE M NAGARAJU
AGED ABOUT 40 YEARS
R/AT NO.135, 6TH MAIN
3RD STAGE, BANASHANKARI
BENGALURU - 560 085.

...APPELLANTS

(BY SRI. GIRISH KUMAR B.M., ADVOCATE)

AND:

1. SRI. K.T. SHANTHA KUMAR
S/O LATE THIMMAPPA
AGED ABOUT 46 YEARS
R/AT NO.54, SADASHIVANAGARA
LOWER PALACE ORCHARDS
BENGALURU - 560 003.

2. SRI P L VENKATA REDDY
S/O LATE LAKSHMANA REDDY
AGED ABOUT 55 YEARS
R/AT NO.135, 6TH MAIN
3RD STAGE, BANASHANKARI
BENGALURU - 560 085.

...RESPONDENTS

(BY SRI. D.P. MAHESH, ADVOCATE FOR R1)

THIS MFA IS FILED U/O. 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 14.12.2021 PASSED ON

IA NO.1 IN O.S.NO.434/2021 ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING IA NO.1 FILED U/O.39 RULE 1 AND 2 R/W SECTION 151 OF CPC.

IN MFA NO. 860/2022

BETWEEN:

MR. P.L. VENKATA REDDY
@ P L VENKATARAMA REDDY
S/O LATE LAKSHMANA REDDY
AGED ABOUT 55 YEARS
R/AT NO.135, 6TH MAIN,
3RD STAGE, BANASHANKARI
BENGALURU - 560 085

...APPELLANT

(BY SRI. NISHANTH A.V., ADVOCATE)

AND:

LATE SRI M NAGARAJU
SINCE DECEASED BY HIS LRS

1. SMT RATHNAMMA
W/O LATE M NAGARAJU
AGED ABOUT 53 YEARS,
R/AT NO.55, 2ND MAIN
VIVEKANANDA COLONY
2ND STAGE, BANASHANKARI
BENGALURU - 560 071.

2. SMT V CHANDRAKALA
D/O LATE M NAGARAJU
AGED ABOUT 48 YEARS,
R/AT NO.29, 1ST MAIN,

4TH CROSS, GANGADHAR NAGAR
SHAKAMBARINAGAR 1ST PHASE
J P NAGAR, BENGALURU - 560 078

3. SRI N MANJESH
S/O LATE M NAGARAJU
AGED ABOUT 44 YEARS,
R/AT NO.21/11, PURANDARADAS ROAD
8TH CROSS, KADERANAHALLI, 2ND STAGE
BANASHANKARI, BENGALURU - 560 070.

4. SMT N JAYALAKSHMAMMA
W/O LATE M NAGARAJU
AGED ABOUT 70 YEARS,
R/AT NO.58/2, 11TH MAIN, 7TH CROSS,
J P NAGAR 1ST PHASE
SHAKAMBARINAGAR
BENGALURU - 560 078

5. SRI N MUNIRAJU
S/O LATE M NAGARAJU
AGED ABOUT 45 YEARS
R/AT NO.58/2, 11TH MAIN, 7TH CROSS,
J P NAGAR 1ST PHASE,
SHAKAMBARINAGAR
BENGALURU - 560 078

6. SRI N HARISH
S/O LATE M NAGARAJU
AGED ABOUT 40 YEARS
R/AT NO.45, 3RD CROSS,
VIVEKANANDA COLONY
J P NAGAR
BENGALURU - 560 076

7. SRI SATHISH
S/O LATE M NAGARAJU
AGED ABOUT 42 YEARS,
R/AT NO.58/2, 11TH MAIN,
7TH CROSS, J P NAGAR
1ST PHASE, SHAKAMBARINAGAR
BENGALURU - 560 078

8. SRI RAVI
S/O LATE M NAGARAJU
AGED ABOUT 40 YEARS,
R/AT NO.34, 11TH MAIN,
SHAKAMBARINAGAR
BENGALURU - 560 078

9. SRI K T SHANTHA KUMAR
S/O LATE THIMMAPPA
AGED ABOUT 46 YEARS,
R/AT 54, SADASHIVANAGARA
LOWER PALACE ORCHARDS
BENGALURU - 560 003

...RESPONDENTS

(BY SRI. D.P. MAHESH, ADVOCATE FOR R9

R5 AND R6 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 14.12.2021 PASSED ON I.A. NO. 1 IN O.S.NO.434/2021 ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING THE I.A. NO.1 FILED UNDER ORDER XXXIX RULES 1 AND 2 OF CPC.

THESE APPEALS, COMING ON FOR ORDERS, 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. Learned counsel for the appellants submits that the matter before the Trial Court is at the stage of cross-examination of DW1. The matter could be remitted to the trial Court to expeditiously dispose of the suit. However, the

impugned order is passed by the Senior Civil Judge, this Court will have to transfer the matter. Accordingly, the matter is transferred.

4. Accordingly, I pass the following:

O R D E R

i) These appeals stand **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) The learned District Judge shall consider the plea of the appellants placed herein before this Court and pass suitable orders. Trial Court is at liberty to proceed further in the matter.

vi) List these matters before the District Court on **14.12.2026**.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NMS/List No.: 1 Sl No.: 2