HC-KAR

NC: 2026:KHC:59460
MFA No. 1209 of 2025

CNR: KAHC010107192025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**MISCELLANEOUS FIRST APPEAL NO. 1209 OF 2025 (CPC)**

**BETWEEN:**

SRI.H.K.NAGARAJAN
S/O H KALASHETTAPPA
AGED ABOUT 89 YEARS,
RESIDING AT HALEVURU POST,
HULIYUR DURGA HOBLI,
KUNIGALTALUK
TUMKURU DISTRICT - 572 123

...APPELLANT

(BY SRI. SRINIVASA MURTHY S.R., ADVOCATE)

**AND:**

1. SMT.GANGAMMA
   W/O LATE NINGAIAH
   AGED ABOUT 70 YEARS,

2. SRI VARADARAJU
   S/O LATE NINGAIAH
   AGED ABOUT 45 YEARS

3. SRI HARISHA
   S/OLATE NINGAIAH
   AGED ABOUT 42YEARS

   ALL ARE R/AT KEBBAHALLI VILLAGE
   HULIYUR DURGA HOBLI, KUNIGAL TALUK
   TUMAKURU DISTRICT - 572 123

...RESPONDENTS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED UNDER ORDER 43 RULE 1(R) OF CPC, AGAINST THE ORDER DATED 04.01.2025 PASSED ON I.A. NO. 3 IN O.S.NO.86/2020 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, KUNIGAL, ALLOWING THE I.A. NO.3 FILED UNDER ORDER XXXIX RULE 4 OF CPC.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 30.11.2026.

**Sd/-**
**(PRADEEP SINGH YERUR)**
**JUDGE**

RCK
List No.: 1 Sl No.: 55