HC-KAR

NC: 2026:KHC:61505
MFA No. 1425 of 2023

CNR: KAHC010108092023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1425 OF 2023 (CPC)

BETWEEN:

M. THIMMEGOWDA
S/O LATE MUTHEGOWDA,
AGED ABOUT 75 YEARS,
NO. 65. VANIVILAS ROAD,
BASAVANAGUDI,
BENGALURU - 560 004.

...APPELLANT

(BY SRI. SANTOSH S. GOGI, ADVOCATE)

AND:

1. SMT. MALATHI V. MOILY
W/O SRI. M. VEERAPPA MOILY,
AGED ABOUT 77 YEARS

2. SRI. M. VEERAPPA MOILY
S/O SRI. THAMAYYA MOILY,
AGED ABOUT 82 YEARS

3. SRI. HARSHA MOILY
S/O SMT. MALATHI MOILY,
AGED ABOUT 50 YEARS

4. SMT. HAMSA MOILY
D/O SMT. MALATHI MOILY,
AGED ABOUT 49 YEARS
THE DEFENDANTS NO.1 TO 4 ARE
RESIDING AT NO. 1, KAUSTUBHA
MLA LAYOUT, RT NAGAR
BENGALURU - 560 032.

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Location: HIGH COURT OF KARNATAKA

5. SMT. SUSHMA VEERAPPA
D/O SMT. MALATHI MOILY,
AGED ABOUT 52 YEARS
RESIDING AT PERUMANE,
NEAR PRESIDENCY SCHOOL NORTH,
AVALAHALLI, SINGANAYAKANAHALLI
BENGALURU - 560 064.

6. SRI. K. ASHWATH
S/O KRISHNAPPA
AGED ABOUT 60 YEARS

7. SRI. SUHAS A
S/O SRI. K. ASHWATH
AGED ABOUT 29 YEARS

THE DEFENDANTS NO.6 AND 7 ARE
RESIDING AT NO. 80/1, SHREYAS NILAYA
RAJSHWARI LAYOUT, YALACHENAHALLI
BENGALURU - 560 062.

8. SRI. RAMANJANI
S/O KRISHNAPPA
AGED ABOUT 49 YEARS
RESIDING AT NO. 128,
KANAKAPURA MAIN ROAD,
DODDAKALLASANDRA,
BENGALURU - 560 062.

9. SRI. S. DEEPAK
S/O SRI. P. SRINIVAS,
AGED ABOUT 31 YEARS
RESIDING AT NO. 34, 2ND CROSS,
DESAI GARDEN, VASANTHAPURA,
BENGALURU - 560 062.

10. SRI. NAGAMALLA
S/O GANGAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NO. 227-2,

4TH MAIN ROAD, BYRAPPA BLOCK,
THYAGARAJA NAGAR,
BENGALURU - 560 028.

11. SRI. G.S. VISHALAKSHA
S/O G.S. SIDDAIAH @ SIDAPPA,
AGED ABOUT 43 YEARS ,
RESIDING AT 181, HOSAGABBADI,
KAGGALAHALLI POST, HAROHALLI HOBLI,
KANAKAPURA TALUK
RAMANAGARA - 562 112.

12. SRI. CHAMRAJU
S/O VENKATARAMAIAH,
AGED ABOUT 58 YEARS
RESIDING AT GANALUDODDI,
HAROHALLI, KANAKAPURA TALUK,
RAMANAGAR - 562 112.

13. SRI. K. SOMASHEKAR,
S/O KEMPAIAH
AGED ABOUT 51 YEARS,

14. SMT. MANJULA
W/O SRI. SOMASHEKAR
AGED ABOUT 42 YEARS,

THE DEFENDANT NO.13 AND 14 ARE
RESIDING AT NO. 361,
AMRUTHNAGAR ROAD,
ANJANAPURA VILLAGE
BENGALURU - 560 062.

15. SRI. RAJASHEKAR C.M,
S/O CHIKKA MUNIVENKATAPPA
AGED ABOUT 53 YEARS,
RESIDING AT NO. 1137,
PUSHPA RAJA NILAYA,
KEMBATHAHALLI MAIN ROAD,
KEMBATHAHALLI,

BENGALURU - 560 083.

16. SRI. R. KRISHNAPPA
S/O RANGAPPA
AGED ABOUT 50 YEARS,
RESIDING AT NO. 380, BEML LAYOUT,
7TH STAGE, MYLASANDRA,
BENGALURU - 560 059.

17. SRI. R. MUNISWAMY
S/O RANGAPPA
AGED ABOUT 53 YEARS,
RESIDING AT NO. 327,
BEML LAYOUT, 7TH STAGE
MYLASANDRA, BENGALURU - 560 059.

18. SMT. M. CHITRA
W/O G. KRISHNAPPA
AGED ABOUT 42 YEARS
RESIDING AT NO. 585
HDFC BANK, HSR LAYOUT
1ST SECTOR, BENGALURU - 560 102.

19. SRI. NARASIMHAMURTHY
S/O KADARAPPA,
AGED ABOUT 56 YEARS,
RESIDING AT NO. 417,
DR. RAJ NILAYA, MYSORE ROAD,
KUMBALAGOODU, BENGALURU - 560 060.

20. SRI. R. MUNIRAJU
S/O LATE RANGAPPA
AGED ABOUT 61 YEARS
RESIDING AT NO. 325,
BEML LAYOUT, 7TH STAGE
MYLASANDRA, BANGALORE - 560 059.

…RESPONDENTS

(BY SRI. SRIDHAR G, ADVOCATE FOR R1 TO R5;
SRI. P. SRINIVAS, ADVOCATE FOR R6 TO R20)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(r) OF CPC, AGAINST THE ORDER DATED 14.12.2022 PASSED ON I.A. NO.1 IN O.S.NO. 263/2022 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, RAMANAGARA, REJECTING I.A. NO.1 FILED UNDER ORDER XXXIX 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) 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) Since the parties are represented before this Court, they shall appear before the learned District Judge on **04.12.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 28