HC-KAR

NC: 2026:KHC:60150
MFA No. 1306 of 2025

CNR: KAHC010114542025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1306 OF 2025 (CPC)

BETWEEN:

1. SRI B K SHIVARAJU
   AGED ABOUT 52 YEARS
   S/O LATE KAPANIGOWDA

2. SMT CHANNAMMA
   AGED ABOUT 44 YEARS
   W/O B.K. SHIVARAJU

3. SMT.B S ANJALI
   AGED ABOUT 28 YEARS
   D/O B.K. SHIVARAJU

   ALL ARE RESIDING AT BARADANAHALLI VILLAGE
   KASABA HOBLI, KANAKAPURA TALUK - 562 117
   RAMANAGARA DISTRICT

...APPELLANTS

(BY SRI. BHADRINATH R., ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI K R SURESH
   AGED ABOUT 55 YEARS,
   S/O K.B. RAJASHEKARAIAH
   RESIDING AT BEHIND GIRISH
   KALYANA MANTAPA

NIRVANESHWARANAGARA
RAMANAGARA ROAD,
KANAKAPURA TWON
KANAKAPURA TALUK - 562 117,
RAMANAGARA DISTRICT

…RESPONDENT

(BY SRI. PRAKASH M.H., ADVOCATE)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(d) OF CPC, AGAINST THE ORDER DATED 22.1.2025 PASSED IN MISC.NO.12/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, KANAKAPURA, DISMISSING THE PETITION FILED UNDER ORDER IX RULE 13 READ WITH SECTION 151 OF CPC, CONSEQUENTLY DISMISSING O.S.NO. 359/2015 DECREE DATED 4.10.2018.

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 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 32