HC-KAR

NC: 2026:KHC:60603
MFA No. 1795 of 2023
C/W MFA No. 1802 of 2023

CNR: KAHC010141322023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1795 OF 2023 (CPC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1802 OF 2023 (CPC)

IN MFA No. 1795/2023

BETWEEN:

MRS. HONNAMMA SUVARNA,
AGED 83 YEARS,
W/O LATE SANJIVA SUVARNA,
R/AT NO.2-66,
MUDAYIBETTU HOUSE,
BONDANTHILA VILLAGE, PADU,
MANGALURU - 575 029,
BY GPA HOLDER MR.PADMANABHA.

...APPELLANT

(BY SRI. RAKESH KINI, ADVOCATE)

AND:

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

MR. DAYANANDA SALIAN,
(SINCE DEAD)
S/O LATE SANJIVA SUVARNA,

1. MRS. UMAVATHI D SALIAN,
W/O LATE DAYANANDA SALIANS,
AGED 56 YEARS,

2. MR. GIRISH D SALIAN,
S/O LATE DAYANANDA SALIAN,
AGED 33 YEARS,

3. MISS. MAINSHA D SALIAN,
D/O LATE DAYANANDA SALIANS,
AGED 28 YEARS,
NO.1(a) TO 1(c) ARE
R/AT NO.2-66,
MUDAYIBETTU HOUSE,
BONDANTHILA VILLAGE, PADU,
MANGALURU - 575 029.

4. MR. S. SUBASHCHANDRA BOSE,
AGED 30 YEARS,
S/O N.K.SUBRAMANYAN,
R/AT NO.114/79, OPP. GOVT. SCHOOL,
NALLIYA PADAV, SHAKTINAGAR,
MANGALURU - 575 016.

…RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 13.12.2022 PASSED ON I.A.NO.2 IN OS.NO.85/2021 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANGALURU D.K., REJECTING THE I.A.NO.II FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC.

IN MFA NO. 1802/2023

BETWEEN:

MRS. HONNAMMA SUVARNA,
AGED 83 YEARS,
W/O LATE SANJIVA SUVARNA,
R/AT NO.2-66,
MUDAYIBETTU HOUSE,
BONDANTHILA VILLAGE, PADU,
MANGALURU - 575 029,
BY GPA HOLDER MR.PADMANABHA.

…APPELLANT

(BY SRI. RAKESH KINI, ADVOCATE)

AND:

MR. DAYANANDA SALIAN,
(SINCE DEAD)
S/O LATE SANJIVA SUVARNA,

1. MRS. UMAVATHI D SALIAN,
   W/O LATE DAYANANDA SALIANS,
   AGED 56 YEARS,

2. MR. GIRISH D SALIAN,
   S/O LATE DAYANANDA SALIAN,
   AGED 33 YEARS,

3. MISS. MAINSHA D SALIAN,
   D/O LATE DAYANANDA SALIANS,
   AGED 28 YEARS,
   NO.1(a) TO 1(c) ARE
   R/AT NO.2-66,
   MUDAYIBETTU HOUSE,
   BONDANTHILA VILLAGE, PADU,
   MANGALURU - 575 029.

4. MR. S. SUBASHCHANDRA BOSE,
   AGED 30 YEARS,
   S/O N.K.SUBRAMANYAN,
   R/AT NO.114/79, OPP. GOVT. SCHOOL,
   NALLIYA PADAV, SHAKTINAGAR,
   MANGALURU - 575 016.

…RESPONDENTS

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(r) OF CPC, AGAINST THE ORDER DATED 13.12.2022 PASSED ON I.A. NO.1 IN O.S.NO.85/2021 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND C.J.M., MANGALURU, DAKSHINA KANNADA, REJECTING I.A. NO.1 FILED UNDER ORDER XXXIX RULE 1 AND 2 READ WITH SECTION 151 OF CPC.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

These appeals 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 these matters to the concerned District Court for adjudication of the matters from the stage where it is stopped.

3. 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 these cases, 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 these cases 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 **30.11.2026** without awaiting any further notice;

vi) Interim order granted in the present appeals shall continue until further orders by the learned District Judge.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 27