HC-KAR

CNR: KAHC010148292025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1667 OF 2025 (CPC)

BETWEEN:

1. SMT. A.C. CHONDAMMA
   W/O. LATE CHINNAMAIAH
   AGED ABOUT 75 YEARS.

2. SRI A.C. ASHOKA
   S/O. LATE CHINNAMAIAH
   AGED ABOUT 52 YEARS.

   BOTH ARE RESIDENTS OF
   BADAGARAKERI VILLAGE AND POST
   PONNAMPET TALUK
   KODAGU - 571 249.

...APPELLANTS

(BY SRI SACHIN B.S., ADVOCATE)

AND:

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

SRI M.C. NANDA
S/O. M.S. CHITTIAPPA
ARVATHOKLU VILLAGE AND POST
PONNAMPET TALUK
KODAGU - 571 201.

...RESPONDENT

(BY SRI BHEEMAIAH K.S., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 104 READ WITH ORDER XLIII RULE 1(R) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 04.01.2025 PASSED ON I.A.NO.VI IN O.S.NO.69/2022 BY THE SENIOR CIVIL JUDGE AND JMFC, VIRAJPET.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Learned counsels for parties are present.

2. Learned counsel for appellants is directed to serve a copy of appeal memo on the learned counsel for respondent.

3. 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.

4. 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.

5. 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 **30.11.2026** without awaiting any further notice;

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

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 31