HC-KAR

NC: 2026:KHC:61180
MFA No. 2243 of 2023

CNR: KAHC010177682023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 2243 OF 2023 (CPC)

BETWEEN:

ASHARANI C N
W/O H.C. RAGHAVENDRA,
AGED 50 YEARS,
RESIDENT OF NO.218, 5TH CROSS,
KUVEMPU NAGAR,
MANDYA CITY - 571 436.

...APPELLANT

(BY SRI. PRAMOD R., ADVOCATE)

AND:

1. CHIKKAPUTTACHARI
S/O LATE VENKATACHARI,
AGED 70 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

2. KALAMMA
W/O CHIKKAPUTTACHARI,
AGED 60 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

3. MANJULA
D/O CHIKKAPUTTACHARI,
AGED 50 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

4. SUKANYA K.C.
D/O CHIKKAPUTTACHARI,
AGED 45 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

5. PAVITHRA
D/O CHIKKAPUTTACHARI,
AGED 43 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

6. MANJUNATHACHARI K.C.
S/O CHIKKAPUTTACHARI,
AGED 40 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

7. U.C. ANUSUYA
W/O MANJUNATHACHARI,
AGED 38 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

8. MANUKUMAR K.C.
S/O CHIKKAPUTTACHARI,
AGED 38 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

9. ANUSHA V.R.
W/O MANUKUMAR K.C.
AGED 35 YEARS,
R/O GEJJALAGERE VILLAGE,
KASABA HOBLI,
MADDUR TALUK - 571 428.

…RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 04.03.2023 PASSED ON I.A.NO.1 IN OS.NO.25/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE, MADDUR, DISMISSING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC.

THIS APPEAL, COMING ON FOR ORDERS, 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 03.12.2026.

vi) As an interim order is granted by this Court, the same shall continue till disposal of the application before the District Court. No opinion is expressed by this Court.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 6