HC-KAR

NC: 2026:KHC:60159
MFA No. 5213 of 2019

CNR: KAHC010180342019

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. 5213 OF 2019 (CPC)

BETWEEN:

1. PUTTASHANKARAIAH
   S/O LATE D P DODDASHANKARAIAH
   AGED ABOUT 58 YEARS
2. SOMASHEKAR
   S/O LATE D P DODDASHANKARAIAH
   AGED ABOUT 50 YEARS
3. DAKSHINAMURTHY
   S/O LATE D P DODDASHANKARAIAH
   AGED ABOUT 48 YEARS
4. DHAKSHYANAMMA
   W/O LATE HARISH
   AGED ABOUT 47 YEARS
5. PAVITYHRA
   D/O LATE HARISH
   AGED ABOUT 30 YEARS
6. SUMITHRA
   D/O LATE HARISH
   AGED ABOUT 28 YEARS
7. GIRIJA
   D/O LATE HARISH
   AGED ABOUT 26 YEARS

   ALL ARE R/AT DODDERI VILLAGE
   KULUVANAHALLI POST
   THYAMGONDALU HOBLI

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

NELAMANGALA TALUK
BENGALURU RURAL DISTRICT - 562 123

…APPELLANTS

(BY SRI. KARTHIK P.M., ADVOCATE)

AND:

1. D S CHANDRASHEKARAIAH
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 82 YEARS

2. S LALITHA
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 82 YEARS

3. D S PARAMASHIVAIAH
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 77 YEARS

4. BRAMARAMBIKA
   D/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 75 YEARS

5. D S BASAVARAJAIAH
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 72 YEARS

6. D S SANKARAIAH
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 70 YEARS

7. SWOBHAGYA
   D/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 65 YEARS

8. JAYADEVAPPA
   S/O LATE D C SHANKARALINGAPPA
   AGED ABOUT 64 YEARS

9. D S SHADAKSHARI
S/O LATE D C SHANKARALINGAPPA
AGED ABOUT 62 YEARS
10. GURUDEVAIAH
S/O LATE D C SHANKARALINGAPPA
AGED ABOUT 57 YEARS
ALL ARE R/AT DODEERI VILLAGE
KULUVANAHALLI POST
THYAMGONDALU HOBLI
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT - 562 123

…RESPONDENTS

(BY SRI. ASHOK PATIL, ADVOCATE FOR R1, R3 TO R9)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 01.03.2019 PASSED ON I.A.NO.3 IN O.S.NO.502/2017 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, NELAMANGALA, DISMISSING I.A.NO.3 FILED UNDER ORDER 39 RULE 1 & 2 READ WITH 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 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 1