HC-KAR

NC: 2026:KHC:61067
MFA No. 3340 of 2022

CNR: KAHC010184862022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3340 OF 2022 (CPC)

BETWEEN:

SRI. N. DANANJAYA
S/O SRI. PATEL C. NARAYANAPPA,
AGED ABOUT 46 YEARS,
R/O NELAGADARANAHALLI,
NAGASANDRA POST, YESHWANTHPURA HOBLI,
BANGALORE - 560 073.

...APPELLANT

(BY SRI. K.N. NITISH, ADVOCATE)

AND:

1. SRI. S. ADVIYAPPA
S/O SIDDALINGAPPA,
AGED ABOUT 52 YEARS,

S. YADIYMAPPA
DEAD BY HIS LRS 2 TO 4

2. SMT, SIDDAGANGAMMA,
W/O LATE YADIYMAPPA, MAJOR,

3. SMT. PAVITHRA
W/O SRI. SWAMY,
D/O LATE YADIYMAPPA, MAJOR,

4. SMT. YOGESH
S/O LATE YADIYMAPPA, MAJOR,

RESPONDENT NO.1 TO 4 ARE
R/AT NO.124/1, SIVAMMA HOTEL,
1ST MAIN ROAD, NELAGADARANAHALLI,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

YESHWANTHPUR HOBLI,
BANGALORE NORTH TALUK,
BANGALORE - 560 073.

5. SRI. S. SRINIVAS
S/O SIDDALINGAPPA,
AGED ABOUT 51 YEARS,

6. SRI. JAGADISH
S/O S. ADVIYAPPA,
AGED ABOUT 40 YEARS,

7. SRI. MANJUNATH
S/O S. ADVIYAPPA,
AGED ABOUT 38 YEARS,

8. SMT. GOWRAMMA
D/O LATE SIDDALINGAPPA,
W/O SRI. G. PRAKASH KUMAR,
AGED 47 YEARS,

RESPONDENT NO.5 TO 8 ARE
RESIDING AT NO.124/1(238)
1ST MAIN ROAD, NELAGADARAHALLI,
NAGASANDRA POST, YESHWANTHPURA HOBLI,
BANGALORE NORTH TALUK,
BANGALORE - 560 073.

9. SMT. MANJULA
D/O LATE SIDDALINGAPPA,
W/O SRI. NANJUNDAPPA,
AGED 41 YEARS,
R/AT HONNIGANAHALLI,
TAVAREKERE MAIN ROAD,
MAGADI TALUK, RAMANAGARA DISTRICT - 562 160.

10. SMT. S. NANDINI
D/O LATE SIDDALINGAPPA,
W/O MALLIKARJUNA B. NEELAM,
AGED 35 YEARS, R/AT NO.194,

7TH A CROSS ROAD, 1ST MAIN ROAD,
SHIVAPURA, PEENYA POST,
BANGALORE - 560 008.

11. SRI. BYLAPPA
S/O LATE BYLAPPA,
AGED ABOUT 56 YEARS,
ANDRAHALLI, VISHWANEEDAM POST,
BANGALORE - 560 091.

…RESPONDENTS

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(r) OF CPC, AGAINST THE ORDER DATED 08.03.2022 PASSED ON I.A. NO. 5 IN O.S.NO. 1190/2017 ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, REJECTING I.A. NO.5 FILED UNDER ORDER 39 RULES 1 AND 2 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) Since the parties are represented before this Court, they shall appear before the learned District Judge on **02.12.2026** 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.: 2