HC-KAR

NC: 2026:KHC:61081
MFA No. 3541 of 2022

CNR: KAHC010191552022

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. 3541 OF 2022 (CPC)

BETWEEN:

1. SHRI. T. N. KEMPAIAH
   S/O LATE NARASAPPA
   AGED ABOUT 72 YEARS

2. SHRI. T.N. RAMACHANDRAPPA
   S/O LATE NARASAPPA
   AGED ABOUT 65 YEARS

3. SHRI. KRISHNAPPA
   S/O LATE NARASAPPA
   AGED ABOUT 72 YEARS

   ALL ARE RESIDING AT TARALU VILLAGE
   UTTARAHALLI HOBLI
   BENGALURU SOUTH TALUK
   BENGALURU - 560 061.

...APPELLANTS

(BY SRI. V.B. SHIVA KUMAR, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

SMT. GIRIJAMMA
W/O LATE KALYANAPPA
AGED ABOUT 67 YEARS
R/A TARALU VILLAGE
UTTARAHALLI HOBLI
BENGALURU SOUTH TALUK
BENGALURU - 560 061.
(DELETED AS PER ORDER DATED 25.11.2021)

1. SHRI. CHELUVA RAJU

S/O KALYANAPPA
AGED ABOUT 47 YEARS
R/A 9TH MAIN ROAD
10TH CROSS, SRINIVASANAGAR
BENGALURU - 560 050.

2. SMT. MAHADEVAMMA
W/O SRINIVAS
AGED ABOUT 49 YEARS
R/A NO.33, BEHIND KARMAL
JYOTHI SCHOOL, BYRAVESHWARA NAGAR
CHUNCHAGHATTA MAIN ROAD
BENGALURU - 560 062.

KAUSHALYA BAI
SINCE DECEASED BY HER
LEGAL REPRESENTATIVES

3. SHRI. JANARDHANA RAO
S/O LATE KRISHNOJI RAO SAGAR
AGED ABOUT 72 YEARS

4. SHRI. SHIVAJI RAO
S/O LATE KRISHOJI RAO SAGAR
AGED ABOUT 65 YEARS

RESPONDENTS 3 AND 4 BOTH ARE
RESIDING AT NO.972, 4TH BLOCK 'E'
10TH B MAIN ROAD,
RAJAJINAGAR,
BENGALURU - 560 010.

…RESPONDENTS

(BY SRI. RAVINDRA M.V, ADVOCATE FOR R2;
SRI. B.N. ANANTHANARAYANA, ADVOCATE
FOR R3 AND R4)

THIS MFA IS FILED U/O XLIII RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 21.02.2022 PASSED ON I.A.NO.IX IN OS.NO. 2053/2014 ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL

DISTRICT, BENGALURU, REJECTING THE I.ANO. 9 THE 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.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 3