HC-KAR

CNR: KAHC010228732020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCELLANEOUS FIRST APPEAL NO. 3971 OF 2020 (CPC)

BETWEEN:

1. SRI SHANKARANANDA ADI
KARNATAKA AIDED HOSTEL
SANGHA (R) NANJANAGUD
REPRESENTED BY ITS SECRETARY
MUDDUMADIAH, S/O JAVARAIAH
AGED ABOUT 65 YEARS
R/AT HEMMARGALA VILLAGE
DODDAKAVALANDE HOBLI
NANJANGUD TALUK-571 301.

2. SRI P. MARISWAMY
S/O PUTTASWAMY
AGED ABOUT 65 YEARS
R/AT BOKKAHALLI VILLAGE
NANJANGUD TALUK-571 301.

...APPELLANTS

(BY SRI. A. MADHUSUDHANA RAO, ADVOCATE)

AND:

1. SRI SHANKARANANDA SARVAJANIKA
VIDYARTHI NILAYA
OOTY RAOD, NANJANGUD-571 301.

2. SRI D. PRASANNAKUMAR
S/O LATE DEVAIAH
AGED ABOUT 58 YEARS
THORAMAVU VICE PRESIDENT
SRI SHANKARANANDA SARVAJANIKA

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VIDYARTHI NILAYA, NAGARALE VILLAGE
NANJANGUD TALUK-571 301.

3. SRI D.S. VENKATARAMANASWAMY
S/O LATE SIDDAIAH
AGED ABOUT 53 YEARS
TREASURER
SRI SHANKARANANDA SARVAJANIKA
VIDYARTHI NILAYA
R/AT DEVARASANAHALLI VILLAGE
NANJANGUD TALUK-571 301.

4. SRI D VIJAY
S/O SRI DARMARATHNAKARA
AGED ABOUT 38 YEARS
SECRETARY
SRI SHANKARANANDA SARVAJANIKA
VIDYARTHI NILAYA
R/AT THOREMAVU VILLAGE
NANJANGUD TALUK-570 301.

5. SRI N BASAVARAJU
S/O LATE SIDDAMADAIAH
AGED ABOUT 45 YEARS
R/AT THOREMAVU VILLAGE
NANJANGUD TALUK

6. SRI M SHIVANNA
S/O MALIYAIAH
AGED ABOUT 41 YEARS
R/AT HURA VILLAGE
NANJANGUD TALUK-571 301.

7. SRI N.K MADAIAH
S/O LATE KEMPASIDDAIAH
AGED ABOUT 57 YEARS
R/AT NAVILURU VILLAGE
KASABA HOBLI, NANJANGUD TALUK-571 301.

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8. SRI M NAGANNA
S/O LATE MAHADEVAIAH
AGED ABOUT 51 YEARS
R/AT TAGADUR VILLAGE
NANJANGUD TALUK-571 301.

9. SRI N KESHAVAMURTHY
S/O NANJAIAH
AGED ABOUT 46 YEARS
R/AT KALALE VILLAGE
NANJANGUD TALUK-570 371.

10. SRI SANNAIAH
S/O SANNACHIKKAIAH
AGED ABOUT 39 YEARS
R/AT HULLAHALLI VILLAGE
NANJANGUD TALUK-571 301.

11. SRI K. BILIGIRIRANGAIAH
S/O SRI KRISHNASWAMY
AGED ABOUT 64 YEARS
R/AT HEJJIGE VILLAGE
NANJANGUD TALUK-571 301.

12. SRI NARASIMAIAH
S/O SRI BEEMANA KUNTAIAH
AGED ABOUT 64 YEARS
R/AT HEJJIGE VILLAGE
NANJANGUD TALUK-571 301.

13. SRI P SIDDU
S/O LATE PUTTAIAH
AGED ABOUT 37 YEARS
EX VICE PRESIDENT
TALUK PANCHAYAT
CHIKKAKAVALANDE
NANJANGUD TALUK-571 301.

...RESPONDENTS

(BY SRI. SANDESH .T.B, ADVOCATE FOR R1;

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SRI. S.B. TOTAD, ADVOCATE FOR R3, R4 AND R11;
R2, R6, R8-R13 ARE SERVED;
V/O DATED 18.03.2025, NOTICE TO R5 AND R7 IS DISPENSED WITH)

THIS MFA IS FILED U/O. 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED. 18.01.2020, PASSED ON IA NO.2 IN O.S. NO.47/2017, ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC., NANJANGUD, ALLOWING THE IA FILED U/O.39 RULE 1 AND 2 OF CPC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

The captioned miscellaneous first appeal is filed assailing the order passed by the learned Trial Judge on an application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short, 'CPC'), whereby the defendants have been restrained from withdrawing the amount lying in the account of the plaintiff-Society.

2. Having regard to the amendment brought about by Section 19 of the Karnataka Civil Courts (Amendment)

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Act, 2023, an appeal against an order passed on an application under Order XXXIX Rules 1 and 2 of CPC by a Court exercising jurisdiction of a Senior Civil Judge is now required to be preferred before the District Court. Consequently, the present appeal would lie before the jurisdictional District Court.

3. In view of the above statutory position, the Registry is directed to transmit the records of the present appeal to the jurisdictional Appellate Court for consideration in accordance with law. The Appellate Court shall issue fresh notice to the parties upon receipt of the appeal records. The learned counsel appearing for the respective parties are also directed to communicate this order to their respective clients. Accordingly, the parties are directed to appear before the Principal District and Sessions Judge, Mysuru, on 04.01.2027, without awaiting any further notice.

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4. In terms of the above directions, the miscellaneous first appeal stands ***disposed of***.

Pending interlocutory applications, if any, stand disposed of.

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(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 Sl No.: 0