HC-KAR

NC: 2026:KHC:59459
MFA No. 2519 of 2025

CNR: KAHC010231012025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 2519 OF 2025 (CPC)

BETWEEN:

1. SRI S K MADHU,
   AGED 35 YEARS,
   S/O LATE S.R. KRISHNA,

2. SRI S.K. KARTHIK RAJ,
   AGED 33 YEARS,
   S/O LATE S.R.KRISHNA,

3. SRI S.K. GOPI KRISHNA,
   AGED 29 YEARS,
   S/O LATE S.R.KRISHNA,

   ALL ARE R/AT NO.67, 'LAKSHMI NILAYA',
   RANGANATHANAGARA,
   NEAR GOVT. PRIMARY SCHOOL,
   SIRA TOWN-572137, SIRA TALUK,
   TUMKUR DISTRICT.

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Location: HIGH COURT OF KARNATAKA

4. SMT. MAHALAKSHMI S.K.
   AGED 36 YEARS,
   D/O LATE S.R.KRISHNA,
   W/O LAKSHMISHA Y.R.
   R/AT YALIYURU VILLAGE, SIRA TALUK,
   TUMKUR DISTRICT.

5. SRI K. RAKESH,
AGED 26 YEARS,
S/O KAREHALLI RANGAPPA,

6. SRI K. KIRAN,
AGED 24 YEARS
S/O KAREHALLI RANGAPPA,

7. MISS. K.RASHMITHA,
AGED 19 YEARS,
D/O KAREHALLI RANGAPPA,

APPELLANTS NO.5 TO 7
R/AT NO.6, RANGANATHANAGARA,
NEAR GOVT. PRIMARY SCHOOL,
SIRA TOWN - 572 137,
SIRA TALUK, TUMKUR DISTRICT.

…APPELLANTS

(BY SRI. R.S. HEGDE, ADVOCATE)

AND:

1. SRI R KADURAPPA,
AGED 38 YEARS,
S/O LATE RANGASHAMAIAH,

2. SMT. RATHNAMMA,
AGED 60 YEARS,
W/O SRI R. KADURAPPA,

3. SRI K.MANJUNATH,
AGED 42 YEARS,
S/O SRI R. KADURAPPA,

4. SMT. K. SOWBHAGYA,
AGED 37 YEARS,
D/O SRI R. KADURAPPA,
W/O SRI H.R. HARISH,
R/AT SARASWATHINAGAR,
NEAR SHIRADI SAIBABA DHYANA MANDIR,
BEHIND APMC, SIRA TOWN - 572 137,
SIRA TALUK, TUMKUR DISTRICT.

5. SRI R. RANGAIAH,
AGED 66 YEARS,
S/O LATE RANGASHAMAIAH,
R/AT KUVEMPUNAGAR, NEW EXTENSION,
BADAVANAHALLI VILLAGE,
BADAVANAHALLI POST,
DODDERI HOBLI,
MADHUGIRI TALUK - 572 112,
TUMKUR DISTRICT.

6. SRI KAREHALLI RANGAPPA,
AGED 53 YEARS,
S/O LATE RANGASHAMAIAH,
R/AT RANGANATHANAGAR,
NEAR GOVT. PRIMARY SCHOOL,
SIRA TOWN - 572 137,
SIRA TALUK, TUMKUR DISTRICT.

7. SMT. H.S. INDIRAMMA,
AGED 63 YEARS,
W/O LATE H.M.NARASIMHAIAH,
R/AT 'MARUTHI NILAYA',
KESHAVANAGAR LAYOUT,
SIRA TOWN - 572 137, SIRA TALUK,
TUMKUR DISTRICT.

8. SMT. MADHUSHREE,
AGED 39 YEARS,
D/O SMT. PARVATHIBAI M.N.
R/AT KRISHNA MURTHY LAYOUT,
(KANEKALLAPPA LAYOUT),
SIRA TOWN - 572 137,
SIRA TALUK, TUMKUR DISTRICT.

9. SMT. KRISHNAMMA,
AGED 53 YEARS,
W/O LATE HANUMANTHAPPA,
R/AT JYOTHI NAGAR LAYOUT,
SIRA TOWN - 572 137, SIRA TALUK,
TUMKUR DISTRICT.

10. SMT. SOWBHAGYA P.,
AGED 54 YEARS,
W/O SRI K.R. CHANDRASHEKAR,
R/AT KADAJJANAPALYA VILLAGE,
MANANGI MAJARE, KASABA HOBLI,
SIRA TALUK - 572 137, TUMKUR DISTRICT.

11. SRI SHIVAKUMAR,
AGED 41 YEARS,
S/O LATE KANTHANNA @ KANTHARAJU,
R/AT KALIDASANAGAR LAYOUT,
SIRA TOWN - 572 137,
SIRA TALUK, TUMKUR DISTRICT.

12. SRI MEETHYA NAIK,
AGED 40 YEARS,
S/O CHANDRA NAIK,
R/AT G. RANGANAHALLI VILLAGE,
KASABA HOBLI, SHAKADADU POST,

SIRA TALUK - 572 137,
TUMKUR DISTRICT.

13. SRI K.RANGAIAH,
AGED 40 YEARS,
S/O LATE KARELLAPPA,
R/AT NO.13, SARASWATHINAGAR LAYOUT,
NEAR SHIRADI SAIBABA MANDIR,
SIRA TOWN, SIRA TALUK - 572 137,
TUMKUR DISTRICT.

14. SMT. RATHNAMMA K.,
AGED 50 YEARS,
W/O SRI RAGHU
R/AT SAPTHAGIRI LAYOUT,
(KRISHNAMURTHY LAYOUT),
SIRA TOWN, SIRA TALUK - 572 137,
TUMKUR DISTRICT.

15. SRI SHEKAR,
AGED 38 YEARS,
S/O NAGARAJAPPA,
R/AT SEEGALAHALLI VILLAGE,
GOWDAGERE HOBLI, NADOORU POST,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

16. SMT. GOWRAMMA,
AGED 59 YEARS,
W/O SRI NAGARAJU,
R/AT. SEEGALAHALLI VILLAGE,
GOWDAGERE HOBLI, NADOORU POST,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

17. SRI PANDURANGAIAH R.
AGED 38 YEARS,
S/O SRI RAMACHANDRAIAH T.
R/AT VEERABOMMANAHALLI,
DEVAGIRI VILLAGE,
HULIKUNTE HOBLI, YADALADAKU POST,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

18. SMT. KAMALABAI,
AGED 36 YEARS,
W/O SRI R.SEETHARAM,
R/AT OBALAPURA LAMBANIHATTI VILLAGE,
J.J. HALLI HOBLI, DINDAVARA POST,
HIRIYUR TALUK - 572 143,
CHITRADURGA DISTRICT.

19. SMT. PADMA B.N.
AGED 54 YEARS,
W/O SRI K.N.MUDDARANGAIAH,
R/AT KITTAGALI, SAJJEHOSAHALLI VILLAGE,
DODDERI HOBLI, MADHUGIRI TALUK - 572 132,
TUMKUR DISTRICT.

20. SRI UMESH NAIK H.
AGED 30 YEARS,
S/O SRI HANUMA NAIK,
R/AT KAMALANAYAKANA THANDA,
YARADAKATTTE POST,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

21. SMT. U.RATHNAMMA,
AGED 40 YEARS,

W/O SRI S.D.IRANNA,
R/AT SIDDANAHALLI VILLAGE,
VEERAGANAHALLI POST,
GOWDAGERE HOBLI,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

22. SRI SHIVASHANKAR D.K.
AGED 43 YEARS,
S/O LATE KADARAPPA,
R/AT NO.38, SARASWATHI LAYOUT,
NEAR SHIRADI SAIBABA MANDIR, SIRA TOWN,
SIRATALUK - 572 137,
TUMKUR DISTRICT.

23. SRI THIPPESWAMY T.M.
AGED 48 YEARS,
S/O MUDDARANGAPPA,
R/AT NO.39, SARASWATHI LAYOUT,
NEAR SHIRADI SAIBABA MANDIR,
SIRA TOWN, SIRA TALUK - 572 137,
TUMKUR DISTRICT.

24. SMT. NETHRAVATHI,
AGED 34 YEARS,
C/O SRI KENCHARAYA
R/O KALIDASA NAGAR BADAVANE,
SIRA TOWN,
SIRA TALUK - 572 137,
TUMKUR DISTRICT.

25. SMT. MANJULA,
AGED 36 YEARS,
C/O SRI THIPPESWAMY M.R.

R/AT SARASWATHINAGAR,
NEAR SHIRADI SAIBABA MANDIR,
SIRA TOWN, SIRATALUK - 572 137,
TUMKUR DISTRICT.

…RESPONDENTS

(BY SRI. MOHAN KUMAR T., ADVOCATE FOR R1 TO R4
VIDE ORDER DATED 07.04.2025,
NOTICE TO R5 TO R25 IS D/W)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DATED 13.02.2025 PASSED ON IA NOS.1 AND 3/2024 IN O.S.NO.209/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, SIRA, REJECTING THE I.ANO.1 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC, ALLOWING THE IA.NO.3 FILED UNDER ORDER 39 RULE 4 OF CPC.

THIS APPEAL, COMING ON FOR ADMISSION, 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.: 33