HC-KAR

NC: 2026:KHC:60141
MFA No. 2935 of 2025

CNR: KAHC010263822025

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. 2935 OF 2025 (CPC)

BETWEEN:

1. MR BANDAKAVI SRINIVASA RAO
   S/O BANDHAKAVI VISHVESHWARA RAO
   AGED ABOUT 55 YEARS
2. MRS PENUMURTHY SUBHA LAKSHMI
   W/O BANDAKAVI SRINIVASA RAO
   AGED ABOUT 53 YEARS
   BOTH ARE R/AT NO.151
   CLASSIC ORCHARDS PHASE 2
   BEHIND MEENASKSHI TEMPLE
   BANNERGHATTA ROAD
   BANGALORE - 560 076

...APPELLANTS

(BY SRI. RAJESH K.S., ADVOCATE)

AND:

1. SRI SHIJU LAL JOSEPH
   S/O. T.S. JOSEPH
   AGED ABOUT 55 YEARS
   R/AT SHEELA VILLA
   TAGORE LANE, ELAMAKKARA
   COCHIN - 682 025
   KANAYANNUR TALUK
   ERNAKULAM DISTRICT, KERALA STATE
2. SRI AMAL ANTONY
   S/O CHIRAMAL LONAPPAN ANTONY
   AGED ABOUT 52 YEARS
   R/AT CHIRAMAL HOUSE
   ERAVIMANGALAM POST

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

TRICHUR - 580 751
KERALA STATE

3. SUB REGISTRAR
ANEKLA NO 172/1
1ST FLOOR, PRERANA COMPLEX
MIRZA ROAD, ANEKAL TOWN
BENGALURU - 562 106

4. ICICI BANK LTD
REPRESENTED BY ITS CHIEF MANAGER
MR PADMANABHAN R

…RESPONDENTS

(BY SRI. C.G. DILEEP GOWDA, ADVOCATE FOR R2
R4 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 25.03.2025 PASSED ON I.A.NO.1 IN OS.NO.1541/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, ANEKAL, AGAINST THE I.A. FILED UNDER ORDER 39 RULE 1 AND 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.: 18