HC-KAR

NC: 2026:KHC:61495
MFA No. 4369 of 2022

CNR: KAHC010264532022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4369 OF 2022 (CPC)

BETWEEN:

1. SMT. VENKATALAKSHMAMMA
   W/O LATE SRI. THIMMAPPA
   AGED ABOUT 67 YEARS

2. SRI. RAMESH
   S/O LATE SRI. THIMMAPPA
   AGED ABOUT 50 YEARS

3. SRI. VENKATESH
   S/O LATE SRI. THIMMAPPA
   AGED ABOUT 44 YEARS

4. SMT. RADHA
   D/O LATE SRI. THIMMAPPA
   AGED ABOUT 42 YEARS

   ALL ARE RESIDING AT NO.719-B,
   4TH CROSS, 2ND MAIN ROAD,
   BAHUBLAINAGAR, JALAHALLI
   BANGALORE - 560 013.

...APPELLANTS

(BY SRI. NAIK RAMACHANDRA R, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. TABASUM TAJ MOHAMMED
   W/O SRI. HABIBOOR RAHAMAN
   AGED ABOUT 39 YEARS
   R/AT NO. 68, MOSQUE CROSS ROAD
   FRAZER TOWN, BANGALORE.

2. SRI. RASHEED UR REHAMAN
S/O SRI. ZIA UR REHAMAN
AGED ABOUT 41 YEARS
R/AT 48, SNS ARCADE
OLD AIRPORT ROAD
HAL, BANGALORE - 560 017.

3. SRI. M. SUHAIL PASHA
S/O SRI. M. IMMTIAZ PASHA
AGED ABOUT 41 YEARS
R/AT NO. 4171, 3RD CROSS,
EXTENSION AREA,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT - 56.

4. SRI. AYUB KHAN
S/O SRI. WAHEED KHAN
AGED ABOUT 50 YEARS
R/AT 4213, 4TH CROSS, EXTENSION AREA
RAMANAGARA TALUK
RAMANAGARA DISTRICT - 56.

…RESPONDENTS

(BY SRI. SANTHOSH KUMAR M.B, ADVOCATE FOR R1 TO R4)

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 28.10.2021 PASSED ON I.A. IN OS.NO.219/2017 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND JUDGE AND CJM, RAMANAGARAM, DISMISSING THE I.A. FILED UNDER ORDER 39 RULE 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 **04.12.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 2