HC-KAR

NC: 2026:KHC:60604
MFA No. 7282 of 2019

CNR: KAHC010265512019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 7282 OF 2019 (CPC)

BETWEEN:

M/S. TELECOM EMPLOYEES CO-OP.
HOUSING SOCIETY LTD.,
NO.6/7, RAJ BHAVAN ROAD,
BENGALURU - 560 001.
REPRESENTED BY ITS AUTHORIZED
DIRECTOR SRI. C.V. MANJUNATH.

...APPELLANT

(BY SRI. K.K.VASANTH., ADVOCATE)

AND:

1. SMT. JAYAMMA,
   D/O LATE RANGASWAMY,
   AGED ABOUT 76 YEARS,
   R/O BILLAMARANAHALLI VILLAGE,
   JALA HOBLI,
   BENGALURU NORTH (ADDL.) TALUK.

2. SMT. B.S.HEMAVATHI,
   D/O LATE BAALAMBA,
   AGED ABOUT 40 YEARS,
   R/O BILLAMARANAHALLI VILLAGE,
   JALAL HOBLI,
   BENGALURU NORTH (ADDL.) TALUK.

3. SRI. SRINIVASAIAH,
   S/O B. VENKATARANGAIAH,
   AGED ABOUT 60 YEARS,

4. SRI. B. VISHWANATH,
   S/O LATE RANGASWAMY,

Digitally signed by VINUTHA M
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AGED ABOUT 80 YEARS,

5. SRI. SURYANARAYANA,
S/O LATE RANGASWAMY,
AGED ABOUT 73 YEARS,

6. SRI. SEETHARAMA,
S/O LATE RANGASWAMY,
AGED ABOUT 71 YEARS,

7. SRI. B. BHASKARA,
S/O LATE RANGASWAMY,
AGED ABOUT 67 YEARS,

THE RESPONDENTS 3 TO 7 ARE
R/O BILLAMARANAHALLI VILLAGE,
JALA HOBLI, BENGALURU NORTH
(ADDL.) TALUK.

8. SMT. KAMINI R. RAMNANI,
W/O N. RAMESH,
AGD ABOUT 58 YEARS,
R/AT NO.4, 3RD FLOOR, AGS PLAZA,
R.T. NAGAR,
BENGALURU - 560 032.

9. M/S. NENNI BUILDERS &
DEVELOPERS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT
BATRA CHAMBERS, NO.1/5,
CUNNINGHAM ROAD,
BENGALURU - 560 001.
REPRESENTED BY ITS DIRECTOR
MR.HEMANTH GULATI.

SRI. KADIRAPPA,
SINCE DECEASED BY HIS LRS,

10. SMT. LAKSHMAMMA,
W/O LATE KADIRAPPA,

AGED ABOUT 75 YEARS,

11. SRI. S.K. NARASIMHAMURTHY,
S/O LATE KADIRAPPA,
AGED ABOUT 48 YEARS,

12. S.K. NARAYANASWAMY,
S/O LATE KADIRAPPA,
AGED ABOUT 44 YEARS,

13. SRI. S.K. VISHWANATH,
S/O LATE KADIRAPPA,
AGED ABOUT 41 YEARS,

14. SRI.S.K. RAMESH,
S/O LATE KADIRAPPA,
AGED ABOUT 38 YEARS,
THE RESPONDENTS 10 TO 14 ARE
R/O SONNAPPANAHALLI VILLAGE,
BETTAHALASUR POST,
BENGALURU NORTH TALUK.

15. M/S. SAMMY'S DREAM LAND
PVT. LTD.,
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT),
HAVING ITS REGISTERED OFFICE AT
NO.4, 3RD FLOOR, AGS PLAZA,
R.T. NAGAR,
BENGALURU - 560 032.
REPRESENTED BY ITS
MANAGING DIRECTOR
M.R FARROQ.

16. M/S. EMBASSY PROPERTY
DEVELOPMENT PVT. LTD.,
(FORMERLY KNOWN AS EMBASSY PROPERTY
DEVELOPMENT LTD.,)
INCORPORATED UNDER THE
COMPANIES ACT 1956,

HAVING ITS REGISTERED OFFICE AT
1ST FLOOR, EMBASSY POINT,
NO.150, INFANTRY ROAD,
BENGALURU.
REPRESENTED BY ITS
AUTHORIZED SIGNATORY,
SRI.A.B. MANDANNA.

…RESPONDENTS

(BY SRI. HARISH S., ADVOCATE FOR C/R1 AND C/R2)

THIS MFA IS FILED U/O XLIII RULE 1(r) OF CPC, AGAINST THE ORDER DATED 18.07.2019 PASSED ON I.A.NO.VI IN OS.NO.40/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI, ALLOWING THE I.A.NO.6 FILED UNDER SECTION 39 RULE 1 AND 2 R/W SECTION 151 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) Since the parties are represented before this Court, they shall appear before the learned District Judge on **30.11.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 25