HC-KAR

NC: 2026:KHC:61184
MFA No. 3615 of 2023

CNR: KAHC010270172023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 4TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**MISCELLANEOUS FIRST APPEAL NO. 3615 OF 2023 (CPC)**

**BETWEEN:**

SRI. SHIVANNA
S/O MUNIRANGAIAH
AGED ABOUT 70 YEARS
R/AT AVERAHALLI VILLAGE,
MADABAL HOBLI
MAGADI TALUK
RAMANAGARA DISTRIT
PIN CODE. - 571 511.

...APPELLANT

(BY SRI. VIJAYA SHEKARA GOWDA V., ADVOCATE)

**AND:**

1. SRI. K.M. SRINIVAS MURTHY
S/O K MUNIVENKATASWAMPPA
DIRECTOR, RAMASKANDA, 3RD FLOOR,
K R ROAD, BASAVANAGUDI,
BANGALORE - 560 004.

2. EDEN PARK SPA AND RESORTS PVT. LTD.,
(FORMERLY KNOWN AS BANDIPUR BIRD PARK PVT. LTD.)
A COMPANY REGISTRED UNDER COMPANIES ACT,
RAMASKANDA, 3RD FLOOR, K.R. ROAD
BASAVANAGUDI, BANGALORE - 560 004.
REP. BY ITS DIRECTOR SRI. K R SRINIVAS MURTHY

...RESPONDENTS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010270172023

THIS MFA IS FILED U/O. 43 RULE 1(r) R/W SEC.151 OF CPC, AGAINST THE ORDER DT.16.12.2022 PASSED ON IA NO.1 IN OS.NO.502/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MAGADI, ALLOWING IA NO.1 FILED U/O.39 RULE 1 AND 2 R/W SEC.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) List this matter before the District Court on 03.12.2026.

**Sd/-**
**(PRADEEP SINGH YERUR)**
**JUDGE**

RCK
List No.: 1 Sl No.: 25