HC-KAR

NC: 2026:KHC:61499
MFA No. 3613 of 2023

CNR: KAHC010270182023

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. 3613 OF 2023 (CPC)

BETWEEN:

SRI. RANGAPPA
S/O LATE PUTTARANGAIAH
AGED ABOUT 82 YEARS
R/AT AVERAHALLI VILLAGE,
MADABAL HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT - 571 511.

...APPELLANT

(BY SRI. VIJAYA SHEKARA GOWDA V, ADVOCATE)

AND:

1. SRI. K.M. SRINIVAS MURTHY
S/O K. MUNIVENKATASWAMAPPA
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 REGISTERED UNDER COMPANIES ACT,
RAMASKANDA, 3RD FLOOR, K.R. ROAD
BASAVANAGUDI, BANGALORE - 560 004.
REP. BY ITS DIRECTOR
SRI. K.R. SRINIVAS MURTHY
BOTH ARE REPRESENTED BY
SRI. GEETHAVISHNU SRINIVAS MURTHY
DIRECTOR, EPSRPL, BANGALORE.

...RESPONDENTS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010270182023

THIS MFA IS FILED U/O XLIII RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 16.12.2022 PASSED ON I.A.NO.1 IN OS.NO. 490/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MAGADI, ALLOWING THE I.A.NO.1 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.: 5