HC-KAR

NC: 2026:KHC:59467
MFA No. 3213 of 2025

CNR: KAHC010287602025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3213 OF 2025 (CPC)

BETWEEN:

1. B.K. SUNANDAMMA
   W/O LATE L. LINGEGOWDA
   AGED ABOUT 67 YEARS
   RESIDING AT KAGGALIKPURA VILLAGE,
   SOMANATHAPURA POST, SOSALE HOBLI,
   T. NARASIPURA TALUK,
   MYSURU DISTRICT - 571 120

2. DR. K.L. GIRISH
   S/O LATE K. LINGEGOWDA
   AGED ABOUT 48 YEARS
   RESIDING AT NO. F-8,
   PHASE-5, KINGSDALE APARTMENT
   SIDDARTHANAGAR,
   MYSURU - 570 011.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

3. K.L. GEETHA
   D/O KATE K. LINGEGOWDA
   W/O ROOPESH KUMAR.K.
   AGED ABOUT 46 YEARS
   RESIDING AT 5TH CROSS,
   ADARSHANAGAR, MYSORE ROAD (CIRCLE),
   CHANNARAYAPATNA - 573 116,
   HASSAN DISTRICT.

4. K.L. MANU @ MANASA
HARISH, D/O LATE K. LINGEGOWDA,
W/O HARISH SRINIVAS,
AGED ABOUT 44 YEARS,
RESIDING AT NO. 87, KARANJI
VENKATALINGAIAH LAYOUT,
SIDDARTHANAGAR,
MYSURU - 570 011.

...APPELLANTS

(BY SRI. H.M.MANJESH, ADVOCATE)

AND:

1. S.RAJAMMA
W/O LATE K. MADEGOWDA,
AGED ABOUT 85 YEARS
RESIDING AT 12/1,
DEWAN'S ROAD.
CHAMARAJA MOHALLA
MYSURU - 570 010.

2. M. MEENAKSHI
D/O LATE K. MADEGOWDA
W/O DR. SRIDHAR MURTHY. JN
AGED ABOUT 62 YEARS,
RESIDING AT NO. 159/1
SANKALANA,
BYRASANDRA MAIN ROAD,
1ST BLOCK EAST, JAYANAGAR,
BENGALURU - 560 011.

3. CHANDRIKA T.
W/O LATE M. MAHESH,
AGED ABOUT 54 YEARS,
RESIDING AT NO. 12/1,
DEWAN'S ROAD,

CHAMARAJA MOHALLA,
MYSURU - 570 010.

4. KAVANA MAHESH
D/O LATE M. MAHESH
W/O SHAMANTH B.
AGED ABOUT 29 YEARS,
RESIDING AT NO.12/1,
DEWANS ROAD,
CHAMARAJA MOHALLA,
MYSURU - 570 010.

5. DHANUSH S.
S/O LATE M. SRIDHAR
AGED ABOUT 32 YEARS,
RESIDING AT NO. 12/1,
DEWANS ROAD,
CHAMARAJA MOHALLA,
MYSURU - 570 010.

6. DR. M. MAHADEV
S/O LATE MADEGOWDA
@ MOTHEGOWDA,
AGED ABOUT 60 YEARS,
RESIDING AT NO. 82,
DAYAMARGA,
SIDDARTHANAGAR,
MYSURU - 570 011.

7. M. MAHESH
S/O LATE MADEGOWDA @ MOTHEGOWDA
AGED ABOUT 58 YEARS,
RESIDING AT KAGGALIPURA VILLAGE,
SOMANATHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK, MYSURU DISTRICT-571 120.

8. M. SUDHA
D/O LATE MADEGOWDA
@ MOTHEGOWDA
W/O NAGARAJ, M.H.
AGED ABOUT 56 YEARS
RESIDING AT NO. 6/5,
BYRASANDRA MAIN ROAD,
NEAR MADHAVAN PARK,
3RD BLOCK, JAYANAGAR,
BENGALURU - 560 011

9. M. UMA
D/O LATE MADEGOWDA @
MOTHEGOWDA
W/O K.V. NAGENDRA,
AGED ABOUT 54 YEARS,
RESIDING AT NO. 190,
6TH CROSS ROAD,
NEAR SURYA BAKERY CIRCLE,
HEBBAL, MYSURU - 570 016.

10. K. PUTTEGOWDA
S/O LATE KENCHEGOWDA
AGED ABOUT 83 YEARS,
RESIDING AT NO. 465/1,
K.N. AGRAHARA, K.R. MOHALLA
MYSURU - 570 024.

11. K. PRABHA
W/O K. PUTTEGOWDA,
AGED ABOUT 73 YEARS
RESIDING AT NO. 465/1,
K.N. AGRAHARA, K.R. MOHALLA
MYSURU - 570 024.

12. K.P. MAHADEVA
S/O K. PUTTEGOWDA,
AGED ABOUT 57 YEARS
RESIDING AT NO. 465/1,
K.N. AGRAHARA, K.R. MOHALLA
MYSURU - 570 024

13. K.P. DEEPAK
S/O K. PUTTEGOWDA,
AGED ABOUT 57 YEARS
RESIDING AT NO. 465/1,
K.N. AGRAHARA, K.R. MOHALLA
MYSURU - 570 024.

14. K.S. SHASHIKALA
D/O LINGAMMA,
W/O LATE CHANNEGOWDA
AGED ABOUT 68 YEARS,
BALAGAVADI VILLAGE,
KALLUDEVANAHALLI POST,
MADABAL HOBLI,
MAGADI TALUK,
RAMANAGAR DIST - 562 120.

15. K.S. SHANKAR
S/O LINGAMMA,
S/O LATE S. SIDDAIAH,
AGED ABOUT 66 YEARS,
RESIDING AT NO. 281/10,
KETHUPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 101.

16. S. SHEELA
D/O LINGAMMA
W/O LATE KRISHNAPPA

AGED ABOUT 64 YEARS,
RESIDING AT NO. 137,
KYATHAGHATTA VILLAGE POST,
CA KERE HOBLI,
MADDUR TALUK
MANDYA - 571 422.

17. K.S. SURESH,
S/O LINGAMMA
S/O LATE S. SIDDAIAH,
AGED ABOUT 62 YEARS,
RESIDING AT NO. 281/10,
KETHUPURA POST,
SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 101.

18. S. SUDHA
D/O LINGAMMA,
W/O SHIVARAM,
AGED ABOUT 60 YEARS,
RESIDING AT NO. 627,
4TH CROSS, T BLOCK,
RAMAKRISHNANAGAR,
MYSURU - 570 022.

19. DR. K. MAHADEV
S/O LATE KENCHEGOWDA
AGED ABOUT 79 YEARS,
RESIDING AT NO. 2989,
2ND MAIN, V.V. MOHALLA,
MYSURU - 570 002.

20. BHOJAKI
W/O DR. K. MAHADEV

AGED ABOUT 75 YEARS,
RESIDING AT NO. 2989,
2ND MAIN, V.V. MOHALLA,
MYSURU - 570 002.

21. MALATHI M.
D/O K. MAHADEV
W/O LATE DR. ANIL KUMAR
AGED ABOUT 48 YEARS,
RESIDING AT NO. 2989,
2ND MAIN, V.V. MOHALLA,
MYSURU - 570 002.

22. PREETHI M.
D/O DR. K. MAHADEV
AGED ABOUT 45 YEARS,
RESIDING AT NO. 2989,
2ND MAIN, V.V. MOHALLA,
MYSURU - 570 002.

23. K. KAMALAMMA
D/O LATE KENCHEGOWDA,
W/O LATE S. SIDDAIAH,
AGED ABOUT 77 YEARS,
RESIDING AT KAGGALIPURA VILLAGE,
SOMANATHAPURA POST,
SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 120.

24. S. BHAGYALAKSHMI
D/O KAMALAMMA
W/O CHAMEGOWDA C.
AGED ABOUT 58 YEARS,
NO. 107, 2ND CROSS, 1ST STAGE,

VIVEKANANDA BLOCK,
TEACHERS' LAYOUT, MYSURU - 570 029

25. S. NAGAVENI
D/O K. KAMALAMMA
W/O H.P. SHIVANNA
AGED ABOUT 56 YEARS,
NO. 15, SIDDARTHANAGAR
NEAR BCM GIRLS HOSTEL,
CHAMARAJANAGAR - 571 313.

26. S. SATISH
S/O K. KAMALAMMA
S/O LATE S. SIDDAIAH
AGED ABOUT 54 YEARS
RESIDING AT KAGALLIPURA VILLAGE
SOMANATHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK, MYSURU DISTRICT - 571 120

27. S. SHANTHI
D/O K. KAMALAMMA
W/O LATE BASAVARAJU,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 14,
HOSAHUNDI VILLAGE,
G.S. ASHRAM POST, MYSURU TALUK,
MYSURU DISTRICT - 570 025.

28. S. ANITHA
D/O K. KAMALAMMA
W/O SATISH.S
AGED ABOUT 48 YEARS,
RESIDING AT NO. 1242/A, 3RD CROSS,
GARADIKERI, ASHOKA ROAD,
LASHKAR MOHALLA, MYSURU - 570 001.

29. K. SHIVALINGA
S/O LATE KENCHEGOWDA,
AGED ABOUT 72 YEARS,
RESIDING AT NO. 36,
(BEHIND CANARA BANK)
SATHYA MARGA,
SIDDARTHANAGAR,
MYSURU - 570 011.

30. SUJATHA S.
W/O K. SHIVALINGU
AGED ABOUT 63 YEARS
RESIDING AT NO. 36,
(BEHIND CANARA BANK)
SATHYA MARGA,
SIDDARTHANAGAR,
MYSURU - 570 011.

31. SHRUTHI S
D/O K. SHIVALINGU
W/O CHETHAN H.B.
AGED ABOUT 39 YEARS
RESIDING AT NO. 1288/3,
KHB COLONY, MAGADI ROAD,
GOVINDARAJANAGARA,
BENGALURU - 560 040

32. SITHARA S
D/O SHIVALINGU
W/O SUHAS,
AGED ABOUT 37 YEARS,
RESIDING AT HIG-50,
KUVEMPU NAGAR,
HASSAN - 573 201.

33. HANUMANTHEGOWDA
S/O MYSORE RANGEGOWDA,
AGED ABOUT 75 YEARS
RESIDING AT KAGGALIPURA VILLAGE,
SOMANATHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK
MYSURU DISTRICT - 571 120.

34. S. NAGARAJU
S/O LATE SANNEGOWDA,
AGED ABOUT 60 YEARS,
RESIDING AT KAGGALIPURA VILLAGE,
SOMANTHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 120.

35. MANJULA
W/O NAGARAJU B.
AGED ABOUT 55 YEARS,
RESIDING AT NO. 162, 1ST MAIN,
1ST CROSS, KUMBARKOPPALU
MYSURU - 570 016.

36. RATHNAMMA
W/O LATE MAHADEVU
AGED ABOUT 55 YEARS
RESIDING AT KAGGALIPURA VILLAGE,
SOMANTHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 120.

37. NAGAMMA B
W/O HOMBEGOWDA
AGED ABOUT 67 YEARS,
RESIDING AT NO. 7, 1ST CROSS

2ND MAIN, JAYANAGAR,
MYSURU - 570 014.

38. S. LOKESH
S/O LATE SIDDEGOWDA,
AGED ABOUT 56 YEARS,
RESIDING AT NO. 75
8TH CROSS, 3RD MAIN,
LALITHMAHAL NAGAR, MYSURU - 570 028.

39. JAYARAMEGOWDA
S/O LATE SIDDE GOWDA,
AGED ABOUT 58 YEARS,
RESIDING AT KAGGALIPURA VILLAGE,
SOMANTHAPURA POST, SOSALE HOBLI,
T. NARASIPURA TALUK,
MYSURU DISTRICT - 571 120.

40. SHIVAKUMAR T.P.
S/O B. PUTTASWAMY,
AGED ABOUT 55 YEARS,
RESIDING AT NO.35,
SHIVAM FORTUNE VALLEY
DASARAHALLI V.T.C.
BENGALURU NORTH POST
H.A. FARM, BENGALURU-560024

…RESPONDENTS

(BY SRI. N. SHIVAKUMAR, ADVOCATE FOR R40

VIDE ORDER DATED 29.04.2025,

NOTICE TO R1 TO R39 IS D/W)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT.20.02.2025 PASSED ON IA NO. IN O.S.NO.631/2024 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MYSURU, REJECTING IA NO.5 FILED U/O.39 RULE 1 AND 2 R/W SEC.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.: 12