HC-KAR

NC: 2026:KHC:55000
MFA No. 4738 of 2020

CNR: KAHC010297702020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4738 OF 2020 (CPC)

BETWEEN:

SRI. NARAYANAPPA
SINCE DEAD BY HIS LRS
LRS ARE ON RECORD AS APPELLANTS NO.1(a) TO 1(r)

1(a) SMT. SUNDRAMMA
W/O. LATE NARAYANAPPA
AGED ABOUT 70 YEARS
R/AT D.NO.1168
"SRI YOGA NARASIMHA SWAMY NILAYA"
DIVYAROOPA KALYANA MANTAPA ROAD
1ST STAGE, VIJAYANAGAR
MYSURU

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

1(b). SMT. NANDINI R.
W/O. MANJUNATH R.
D/O. RAMESH
AGED ABOUT 38 YEARS
RESIDING AT HOUSE NO.L.I.J.33,
K.H.B. COLONY, NANJANGUD TOWN
MYSORE.

1(c). SRI. MAHADEV R.
S/O. RAMESH
AGED ABOUT 37 YEARS

R/AT NO.3404, 4TH CROSS
LASHKAR MOHALLA
VEERANGERE, MYSORE

1(d). SMT. YASHODHA
D/O. RAMESH N.
AGED ABOUT 38 YEARS
RESIDING AT BALLENAHALLI
HUSANURU TALUK, MYSORE

1(e). SMT. PRAMILA
D/O. LATE NARAYANAPPA
AGED ABOUT 56 YEARS
R/AT D.NO.28/2
RAGHAVENDRA NILAYA
HUNASURU MAIN ROAD
HINKAL, MYSURU

1(f). SMT. JAYALAKSHMI
W/O. LATE RAMESH
AGED ABOUT 44 YEARS

1(g). SRI. AVINASH
S/O. LATE RAMESH
AGED ABOUT 27 YEARS

1(h). SRI. KARTHIK
S/O. LATE RAMESH
AGED ABOUT 25 YEARS

APPELLANT NOS.1(f) TO 1(h) ARE
R/AT D.NO.3405, LOORD NAGAR
4TH MAIN ROAD
VEERANAGERE, MYSORE.

1(i). SRI. PRATHAP R.
S/O. RAMESH
AGED ABOUT 35 YEARS
RESIDING AT NO.1/169, HOSARAMANAHALLI
VILLAGE
BOLANAHALLI POST
BILIKERE HOBLI, MYSORE

1(j). SRI. MANJUNATH
S/O. LATE NARAYANAPPA
AGED ABOUT 54 YEARS

1(k). SRI. SURESH @ SRINIVAS N.
S/O. LATE NARAYANAPPA
AGED ABOUT 52 YEARS

1(l). SRI. SHIVU @ SHIVAKUMAR N
S/O. LATE NARAYANAPPA
AGED ABOUT 49 YEARS

APPELLANTS NOS.1(j) TO 1(l) ARE
R/AT D.NO.1168
"SRI YOGA NARASIMHA SWAMY NILAYA"
DIVYAROOPA KALYANA MANTAPA ROAD
1ST STAGE, VIJAYANAGAR,
MYSORE

1(m). SMT. LAKSHMI
W/O. HEMANTH
AGED ABOUT 45 YEAS
R/AT D.NO.4493, 7TH MAIN ROAD
UDAYAGIRI ROAD,
MYSORE

1(n). SRI. SATHISH
S/O. LATE NARYANAPPA
AGED ABOUT 43 YEARS

1(o). SRI. JAGADISH
S/O. LATE NARAYANAPPA
AGED ABOUT 41 YEARS

1(p). SRI. MAHESH
S/O. LATE NARAYANAPPA
AGED ABOUT 39 YEARS

1(q). SMT. MANJULA
D/O. LATE NARAYANAPPA
AGED ABOUT 35 YEARS

APPELLANT NOS.1(n) TO 1(q) ARE
R/AT D.NO.1168,
"SRI YOGA NARASIMHA SWAMY NILAYA"
DIVYAROOPA KALYANA MANTAPA ROAD
1ST STAGE, VIJAYANAGAR, MYSORE.

1(r). SMT. SARASWATHI
D/O. LATE NARAYANAPPA
AGED ABOUT 35 YEARS
D.NO.657, A-1 BLOCK
10TH CROSS, 3RD STAGE,
VIJAYANAGARA
MYSORE

APPELLANTS NO.1(a) TO 1(r) ARE REPRESENTED BY
ITS GPA HOLDER
SRI. GOVINDARAJU
AGED ABOUT 59 YEARS

S/O. THIMMA SHETTY
R/AT BILIKERE VILLAGE
BILKERE HOBLI
HUNSUR TALUK
MYSORE DISTRICT

…APPELLANTS

(BY SRI. MANMOHAN P.N., ADVOCATE FOR A-1(a) TO A-1(r))

AND:

1. SRI. SHIVANANDA
S/O.LATE SANJEEVIAH,
AGED ABOUT 53 YEARS,
R/AT D NO.3404, LOORD NAGAR,
LASHKAR MOHALLA,
MYSORE - 570 001.

2. SRI MAHESH
S/O. LATE SANJEEVAIAH,
AGED ABOUT 51 YEARS,
R/AT D.NO.3766,
BASAPPANA GARADI BEEDI,
VEERANAGAERE, LASHKAR MOHALLA,
MYSORE.

3. SRI. SRINIVAS
S/O. LATE SANJEEVAIAH,
AGED ABOUT 40 YEARS,
R/AT D.NO.3768, BASAPPANA GARADI BEEDI,
VEERANAGERE, LASHKAR MOHALLA,
MYSORE - 570 001.

4. SMT. RUKMINI
W/O. LAKSHMANA
AGED ABOUT 50 YEARS

R/AT NO.3360, MANTAPA ROAD
26TH CROSS, LASHKAR MOHALLA
VEERANAGERE
MYSORE - 570 001

5. SHASHIKALA
W/O. CHANDRA
AGED ABOUT 45 YEARS
R/AT NO.302, KASABA HOBLI
SIDDLINGPURA, KALASTHWADI
MYSORE - 570 001

…RESPONDENTS

(BY SRI. HARISCHANDRA M., ADVOCATE FOR R1)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC AGAINST THE ORDER DATED 27.01.2020 PASSED IN OS.NO.25/2017 ON THE FILE OF THE III ADDITIONAL SENIOR CITY JUDGE AND CJM, MYSURU, DISMISSING THE I.A.NO.11 FILED UNDER ORDER 39 RULE 4 R/W SECTION 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 02.11.2026.

vi) As an interim order is granted by this Court, the same shall continue till disposal of the application before the District Court. No opinion is expressed by this Court.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK, List No.: 1 Sl No.: 17