HC-KAR

CNR: KAHC010303842025

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. 3426 OF 2025 (CPC)

BETWEEN:

LAKSHMAMMA
W/O LATE RAMALINGAPPA,
AGED ABOUT 77 YEARS,
R/AT OPPOSITE TO SSIT COLLEGE
NEAR GAYATHRI CHOULTRY
MARALURU EXTENSION
TUMAKURU TOWN - 572 105

...APPELLANT

(BY SRI. YADUNANDAN N., ADVOCATE)

AND:

1. K VENKATARAJU
   S/O KESHAVASHETTY
   AGED ABOUT 58 EYARS
   R/AT 3RD CROSS, ASHOKANAGARA
   TUMAKURU TOWN - 563 121

2. SHAMSHAD SHAHEEN
   W/O RIYZ ULLA KHAN
   AGED ABOUT 54 YEARS
   R/AT NEAR WATER TANK
   HOUSING BOARD COLONY
   VIDHYA NAGARA
   KUNIGAL TOWN - 572 130

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

3. HONNAPPA
S/O LATE RAMALINGAPPA
AGED ABOUT 45 YEARS

4. SAVITHRAMMA
D/O LATE RAMALINGAPPA
AGED ABOUT 43 YEARS

5. LALITHAKUMARI
D/O LATE RAMALINGAPPA
AGED ABOUT 38 YEARS

DEFENDANTS NO.3 TO 5 ARE R/AT
OPPOSITE TO SSIT COLLEGE
NEAR GAYATHRI CHOULTRY
MARALURU EXTENSION
TUMAKURU TOWN - 572 105.

6. UMADEVI
W/O LATE ANANDA
AGED ABOUT 38 YEARS

7. YASHAVANTH
S/O LATE ANANDA
AGED ABOUT 8 YEARS
MINOR

8. CHAITRA
D/O LATE ANANDA
AGED ABOUT 5 YEARS

RESPONDENTS NO.7 AND 8 ARE MIONRS
REPRESENTED BY THEIR NATURAL GUARDIAN
MOHTER UMADEVI I.E., RESPONDENT NO.6

9. NAGAMMA @ NAGAMANI
ALIAS NAGARATHNAMMA
W/O LATE ANANDA
AGED ABOUT 21 YEARS

RESPONDENTS NO.6 TO 9 ARE RESIDING AT
OPP. GANESHA BEEDI WORKS
MARALURU VILALGE, KASABA HOBLI
TUMAKURU TOWN - 562 132

…RESPONDENTS

(RESPONDENTS NO.3 TO 5 ARE SERVED & UNREPRESENTED)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DATED 18.03.2025 PASSED ON IA NO.4 IN O.S.NO.935/2023 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, TUMAKURU, ALLOWING THE APPLICATION FILED U/O.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) List this matter before the District Court on 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 5