HC-KAR

NC: 2026:KHC:60331
MFA No. 3341 of 2025

CNR: KAHC010305082025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3341 OF 2025 (CPC)

BETWEEN:

R.S. PRABHUDEV ARADHYA
AGED ABOUT 60 YEARS,
S/O R.S.ARADHYA
R/AT 3RD CROSS, KR EXTENSION
TUMKUR - 572 101

...APPELLANT

(BY SRI. C.M. NAGABUSHANA, ADVOCATE)

AND:

1. T.A. CHANRASHEKARAPPA
AGED ABOUT 83 YEARS,
S/O LATE G.R.APPAJAPPA
CARRYING ON BUSINESS AT G.R.APPAJAPPA AND
SONS, 1ST CROSS, APMC YARD,
TUMKURU - 572 103

2. GANGAMBIKA
W/O LATE T A MALLIKARJUNA
AGED ABOUT 68 YEARS

3. T.M.RAVISHANKAR
S/O LATE T.A. MALLIKARJUNA
AGED ABOUT 40 YEARS

RESPONDENTS NO.2 AND 3 ARE
R/AT C/O SHARADHA ADVOCATE,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

NEAR NANJUNDESHWARA BAKERY,
CHICKAPETE, TUMAKURU - 572 101

4. SMT. SUKANAYA
W/O LATE A.UMESH
AGED ABOUT 68 YEARS

5. A.U. RUDRESH
S/O LATE A. UMESHA,
AGED ABOUT 34 YEARS

6. SMT. A.U. PARVATHI
D/O LATE A. UMESHA,
AGED ABOUT 29 YEARS
R/AT YAJAMANA STREET,
CHIKKAPETE, TUMAKURU - 572 101

7. T.A.RUDRAKUMAR
AGED ABOUT 66 YEARS,
S/O LATE G.R. APPAJAPPA
R/AT NO.112, LIG, 1ST FLOOR,
9TH A CROSS, 80 FEET ROAD,
HOYASALA CIRCLE, KENGERI SATELLITE TOWN,
BENGALURU - 560 060.

8. T.A.SIDDARAJU,
AGED ABOUT 61 YEARS,
S/O LATE G.R. APPAJAPPA
R/AT MATHRU MAMATHA,
B-LINK ROAD, MARUTHINAGAR
TUMKUR - 572 103

…RESPONDENTS

(BY SRI. RAGHU H.V., ADVOCATE FOR R3

R2, R4 AND R6 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DATED 16.04.2025 PASSED ON IA NO.2 IN O.S.NO.557/2024 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, TUMAKURU, DISMISSING 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