HC-KAR

NC: 2026:KHC:61497
MFA No. 4940 of 2022

CNR: KAHC010313672022

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. 4940 OF 2022 (CPC)

BETWEEN:

SRI. RUDRESH H.B.
S/O BASAVARAJU H.P.
AGED ABOUT 35 YEARS
R/AT NO. 83,
HAROKYATANAHALLI VILLAGE
DASANAPURA HOBLI, MAKALI POST
BENGALURU NORTH TALUK - 562 162.

...APPELLANT

(BY SRI. O. SHIVARAMA BHAT, ADVOCATE)

AND:

1. SRI. BASAVARAJU H.P,
   S/O LATE PUTTANNA
   AGED ABOUT 65 YEARS
   R/AT 83, HAROKYATANAHALLI VILLAGE
   DASANAPURA HOBLI, MAKALI POST
   BENGALURU NORTH TALUK - 562 162.

2. SMT. KAVYA N.R
   W/O LATE PUTTARAJU H.B
   AGED ABOUT 34 YEARS

3. MISS. MANYA APEKSHITHA H.P,
   D/O LATE PUTTARAJU H.B
   AGED ABOUT 7 YEARS
   SINCE MINOR
   REPRESENTED BY HER NATURAL
   GUARDIAN MOTHER RESPONDENT NO.2

   RES[ONDENT NO.2 AND 3 ARE

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

R/AT NO. 83, HAROKYATANAHALLI
VILLAGE, DASANAPURA
HOBLI, MAKALI POST
BENGALURU NORTH TALUK - 562 162

RESPONDENT NO.2 AND 3 ARE
ALSO RESIDING AT
"ASHRIVADA NILAYA:
PATEL CHENNAPPA BADAVANE,
NELAMANGALA,
BENGALURU RURAL DISTRICT - 562 123.

4. SMT. VINUTHA H B
W/O SUNIL KUMAR
AGED ABOUT 33 YEARS
R/AT NO. 511 SRI RENUKA NILAYA
10TH A MAIN, 3RD A CROSS
NEAR BAGALAGUNTE
POLICE STATION
MEI LAYOUT, BAGALAGUNTE
NAGASANDRA POST
BENGALURU - 560 073.

5. SMT. LAKSHMI
D/O SRI. PRAKASH UPNAL
AGED ABOUT 30 YEARS
R/AT NO. 40/1, 3RD CROSS
2ND MAIN, 11TH BLOCK, 2ND STAGE
NAGARABHAVI BDA LAYOUT
BENGALURU - 560 072.

6. SMT. GIRIJAMMA
W/O LATE NAGANNA
AGED ABOUT 69 YEARS
R/AT NO. 39/5, YADUGIRI NILAYA
1ST B CROSS ROAD, MATHIKERE
BENGALURU - 560 054

ALSO RESIDING AT NO. 582
1ST MAIN, 3RD BLOCK,

DOLLARS COLONY,
RMV 2ND STAGE
BENGALURU - 560 094.

…RESPONDENTS

(BY SRI. SHRIKANTH B, ADVOCATE FOR C/R2)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(r) OF CPC, AGAINST THE ORDER DATED 29.06.2022 PASSED ON I.A.NO.1 IN OS.NO.66/2020 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, NELAMANGALA, DISMISSING THE I.A.NO.I FILED UNDER ORDER 39 RULE 1 AND 2 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) 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;

vi) Interim order granted in the present appeal shall continue until further orders by the learned District Judge.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 3