HC-KAR

NC: 2026:KHC:64101
MFA No. 5164 of 2022

CNR: KAHC010326372022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 5164 OF 2022 (CPC)

BETWEEN:

SRI LAKSHMANA
AGED ABOUT 47 YEARS
S/O LATE HARIYAPPA GOWDA
DEVASYA HOUSE,
GUTHIGAR VILLAGE - 574 218
SULLIA TALUK, D.K. DISTRICT

...APPELLANT

(BY SRI. CHANDRANATH ARIGA K., ADVOCATE)

AND:

1. SRI D VISHWANATHA
S/O LATE HARIYAPPA GOWDA
DEVASYA HOUSE,
GUTHIGAR VILLAGE,
SULLIA TALUK,
D.K. DISTRICT - 574 218

PRESENTLY WORKING AS ADVOCATE,
DEVASYA LAW ASSOCIATES,
NO. 1771/K27,
ADHAM KHAN MASJID ROAD,
AGRAHARA, MYSURU - 571 604

2. SMT. THIMMAKKA
AGED ABOUT 62 YEARS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

W/O LATE HARIYAPPA GOWDA
C/O HARISH GOWDA
SONANGERI NADUMANE
JALSOOR VILLAGE,
POST SONANGERI SULLIA TALUK
D.K. DISTRICT

3. SMT. DHARMAVATHI
AGED ABOUT 51 YEARS
D/O LATE HARIYAPPA GOWDA
W/O HARISHCHANDRA GOWDA
KAYARGA HOUSE,
POST SAVANOOR VILLAGE,
PUTTUR TALUK
D.K. DISTRICT

4. SMT. HARINAKSHI
AGED ABOUT 37 YEARS
D/O LATE HARIYAPPA GOWDA
W/O HARISH GOWDA
SONANGERI NADUMANE
JALSOOR VILLAGE,
POST : SONANGERI SULLIA TALUK
DK DISTRICT

…RESPONDENTS

(VIDE ORDER DATED 29.10.2022,
NOTICE TO R1, R3 AND R4 IS DISPENSED WITH
R2 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O.43 RULE 1(r) OF CPC, AGAINST THE ORDER DT.15.06.2022 PASSED ON IA NO.VI IN O.S.NO.9/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE,

JMFC, SULLIA, D.K, ALLOWING IA NO.6 FILED U/O.39 RULE 1 AND 2 OF CPC.

THIS APPEAL, COMING ON FOR ADMISSION, 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 **14.12.2026**.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NMS
List No.: 1 Sl No.: 23