HC-KAR

NC: 2026:KHC:65115
MFA No. 3778 of 2024

CNR: KAHC010329882024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3778 OF 2024 (CPC)

BETWEEN:

SRI. MUNICHALUVAIAH M
AGED ABOUT 64 YEARS,
S/O LATE MUNIHAMUMAIAH,
R/AT NO.2146, 3RD MAIN ROAD,
9-7TH 'A' CROSS, HAMPINAGARA,
VIJAYANAGAR, BENGALURU - 560 104.
NOW AT NO.2247, 3RD MAIN ROAD,
4TH 'A' CROSS, HAMPINAGARA,
VIJAYANGARA, BENGALURU - 560 104.

...APPELLANT

(BY SRI. DWARAKANATH H.S, ADVOCATE)

AND:

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

1. SMT. RADHA
AGED BOAUT 60 YEARS,
W/O LATE D. KRISHNAMURTHY
R/AT NO.286, ANCHEKERE,
KENGERI(PO), KENGERI,
BENGALURU - 560 060.

2. SMT. SHOBHA
AGED ABOUT 54 YEARS,
W/O LATE MUNIRAJU,
R/AT SOMANHALLI, 2ND BLOCK,

UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU URBAN DISTRICT - 562 130.

3. SMT. GOPAMMA
AGED ABOUT 56 YEARS,
W/O HANUMANTHARAYAPPA,
D/O LATE VEKATAMMA
R/AT DEVAMADOHALLI,
MAGADI MAIN ROAD, TAVARKERE HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU URBAN DISTRICT - 562 130.

4. SMT. JAYAMMA
AGED ABOUT 64 YEARS,
W/O LATE DEFEDAR HANUMAIAH,
R/AT NO.2ND BLOCK, SOMANAHALLI
KANAKAPURA MAIN ROAD,
BENGALURU - 560 082.

5. SRI. CHALUVAIAH
AGED BAOUT 56 YEARS,
S/O LATE CHIKKAMUNIYAPPA,
R/AT NO.SOMANAHALLI VILLAGE,
UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK - 560 082.

6. SMT. PUTTALAKSHMAMMA
AGED ABOUT 47 YEARS,
W/O CHELUVAIAH,

7. SRI. NAGARAJA
AGED ABOUT 45 YEARS,
S/O LATE CHELUVAIAH,

8. SRI. MANJUNATHA
AGED ABOUT 44 YEARS,
S/O LATE CHELUVAIAH,

RESPONDENTS NO.6 TO 8
RESIDING AT NO.28, MANJUNATHA NILAYA,
1ST CROSS, GANGADHARA LAYOUT,
SARAKKI, BENGALURU - 560 078.

9. SRI. MUNIRAJU
AGED BAOUT 42 YEARS,
S/O MUNICHELUVAIAH

10. SRI. VAJARAMMA
AGED BAOUT 42 YEARS,
S/O MUNICHELUVAIAH

RESPONDENTS NO.9 AND 10
RESIDING AT GOPALAPPA ALYOUT,
3RD CORSS, THALAGHATTAPURA (PO),
UTTARAHALLI HOBLI, BENGALURU - 560 062.

…RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 04.04.2024 PASSED ON I.A.NOS.1 AND 2 IN OS.NO.498/2022 ON THE FILE OF THE VII ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING THE IA.NOS 1 AND II UNDER ORDER 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 **17.12.2026.**

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NMS/List No.: 1 Sl No.: 27