CNR: KAHC010339962024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4038 OF 2024 (CPC)

BETWEEN:

MRS. KUSUMAVATHI @ CHANDRAVATHI RAI
KELLADY HOUSE, IRDE POST,
PUTTUR TALUK, D.K. - 574 259

...APPELLANT

(BY SRI. RAVISHANKAR SHASTRY G., ADVOCATE)

AND:

1. MR.SANDEEP @ PRAKASH
S/O. LATE RAVINDRANATH RAI
AGED ABOUT 41 YEARS
KELLADY HOUSE, IRDE POST,
PUTTUR TALUK, D.K. - 574 259

2. MRS. SOUMYA P. RAI
W/O. PRASANNA RAI
AGED ABOUT 39 YEARS
R/AT NO.83, 3RD MAIN ROAD
VINAYAKA LAYOUT, MEDARAHALLI
BENGALURU - 560 090

...RESPONDENTS

(BY SRI. PRASANNA K., ADVOCATE FOR R1)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/O 43 RULE 1(s) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 25.11.2023 PASSED ON

I.A.NO.V IN OS.NO.22/2023 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, PUTTUR D.K, DISMISSING THE IA.NO.V FILED UNDER ORDER 40 RULE WITH 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) List this matter before the District Court on 03.12.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 14