HC-KAR

NC: 2026:KHC:61492
MFA No. 4178 of 2025

CNR: KAHC010360182025

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. 4178 OF 2025 (CPC)

BETWEEN:

1. SMT. INDRAKSHI DEVI
W/O SRI. RAJA CHANDRA.
AGED ABOUT 67 YEARS.
R/AT NO. 241, 15TH MAIN ROAD,
BENGALURU - 560 080.
RAJAMAHAL VILAS EXTENSION.
REPRESENTED BY HER POWER OF
ATTORNEY HOLDERS

SRI. PRASANNA KUMAR J.A.
S/O SRI J.B. AJJE GOWDA.
AGED ABOUT 67 YEARS,
R/AT DOOR NO.99,
5TH CROSS, 2ND MAIN,
GANGANAGAR, BENGALURU - 560 032.

AND
SRI. S. HARISH RAO,
S/O SRI, SUKEENDRA RAO,
AGED ABOUT 45 YEARS,
R/AT NO. 1862, 2ND CROSS,
K BLOCK, KUVEMPU NAGAR,
MYSURU - 570 023

...APPELLANT

(BY SRI. S. RAJASHEKAR, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. SUJAYA SHIVANNA
W/O LATE R.P. SHIVANNA.
MAJOR IN AGE,

R/AT NO.22, 'SHREE SHAILA',
CRESCENT ROAD, HIGH GROUNDS,
BENGALURU - 560 001.

2. SMT. SEETA PONNAPPA M
W/O M.A. PONNAPPA,
MAJOR IN AGE,
R/AT LALITADRI ESTATE,
KOMBAR VILLAGE, SOMAWARPET POST,
MADAPUR, KODAGU DISTRICT - 571 251.

3. SMT. SABITHA RAMAMURTHY
W/O K.C. RAMAMURTHY
AGED ABOUT 64 YEARS,
R/AT DOOR NO.10-B, J BLOCK,
SARVAGANA ROAD, KUVEMPUNAGAR
MYSURU - 570 023.

4. SRI. JAYACHAMARAJENDRA
WADIYAR GOLF CLUB,
A SOCIETY REGISTERED UNDER THE
KARNATAKA SOCIETIES REGISTRATION ACT
HAVING ITS OFFICE AT
MAHARANAPRATAP SINGHJI ROAD,
NAZARBAD, MYSURU -570 010,
REP. BY ITS HON. SECRETARY
SRI. H.D. THIMMAPPA GOWDA

5. M/S. SAM HOSPITALITIES AND SERVICES
REP. BY ITS PARTNER SRI N. ANIL,
S/O R. NAGARAJ,
AGED ABOUT 50 YEARS,
R/AT NO.36, 13TH CROSS,
SHEELA MARGA, SIDDHARTHA NAGAR,
MYSURU - 570 011.

6. SMT. CHANNAMMA.
W/O LATE SIDDAIAH, MAJOR,
R/AT CH-63, 8TH MAIN ROAD,
SARASWATHIPURAM, MYSURU - 570 009.

7. M.G. NARASIMHA.
S/O G.N. ALASINGLACHAR,
MAJOR,
R/AT 384, KRISHNA VILAS,
AGRAHARA, MYSURU - 570 005.

8. SMT. HAJINI ZIKRIYA BEGUM
W/O HAJI MOHAMMED IBRAHIM,
MAJOR,
R/AT NO. 3333/3E,
ANEGUNDI ROAD, I EDIGA,
MYSURU - 570 015.

9. MOHAMMED IFTIQUAR AHMED
S/O HAJI MOHAMMED IBRAHIM,
AGED ABOUT 68 YEARS,
R/AT 3333/E4, PULAKESHI ROAD,
BANNIMANTAP, MYSURU - 570 015.

10. HAJI MOHAMMED IQBAL AHMED,
S/O HAJI MOHAMMED IBRAHIM,
AGED ABOUT 68 YEARS,
R/AT 3333/E4, PULAKESHI ROAD,
BANNIMANTAP, MYSURU - 570 015.

11. Y. BYAPPA REDDY,
S/O LATE YERRAPPA REDDY,
AGED ABOUT 85 YEARS,
R/AT NO.354-H, 9TH J MAIN,
VIJAYANAGAR II STAGE,
BENGALURU - 560 040.

12. SMT. UMA THANDUR,
D/O LATE K.M. SHYAM
AGED ABOUT 62 YEARS,
R/AT SY. NO.4. BLOCK NO. 5.
CHAMAPPAJI ROAD, KURUBARAHALLI,
MYSURU - 570 011.

13. MOHAMMED MUKTHER AHMED,

S/O HAJI MOHAMMED PEER, MAJOR,
R/AT NO.3333/E3, ANEGOUNDI ROAD,
I-EDIGA, MYSURU - 570 015.

SMT. K. PARIMALA MUTTANNA.
SINCE DECEASED BY LR'S- R14 AND R15

14. SMT. DEEPALI CHENGAPPA,
D/O LATE K.M. MUTTANNA,
AGED ABOUT 45 YEARS,

15. K.M. BELLIYAPPA
S/O LATE K.M. MUTTANNA
MAJOR IN AGE

RESPONDENT NOS. 15 AND 16 ARE
R/AT POST BOX NO.10,
CRAIGMORE ESTATE, POLIBETTA,
KODAGU - 570 215.

16. RAVISH N
S/O B. NAGAPPA
AGED ABOUT 58 YEARS

17. LOKESH N
S/O B. NAGAPPA
AGED ABOUT 51 YEARS

RESPONDENT NOS. 17 AND 18 ARE
R/AT NO.12, 17TH 'A' MAIN,
5TH BLOCK, KORAMANGALA,
BENGALURU - 560 095.

18. K.M. ACHAIAH,
S/O LATE K.K. MUDDAPPA
AGED ABOUT 88 YEARS,

19. SMT. MUTTU ACHAIAH,
W/O K.M. ACHAIAH,
AGED ABOUT 78 YEARS,

20. MS. YASMIN ACHAIAH,
D/O K.M. ACHAIAH,
AGED ABOUT 53 YEARS,

RESPONDENT NOS. 19 TO 21 ARE
R/AT FLAT NO.2-A, ORCHID COURT.
CHURCH ROAD, YADAVAGIRI,
MYSURU - 570 020.

21. SATISH BABU.,
S/O DR. A.P. AMARENDRA,
AGED ABOUT 61 YEARS,
R/AT NO.95, 5TH 'A' MAIN,
7TH 'A' CROSS, VIDYAGIRI LAYOUT,
VIJAYANAGAR, BENGALURU - 560 072.

22. H.S. RAMESH,
S/O LATE H.B. SHIVARAMAPPA,
AGED ABOUT 55 YEARS,
R/AT HANDANAHALLI VILLAGE,
BILIKERE HOBLI, HUNSUR TALUK,
MYSURU DISTRICT - 570 103.

23. B. SOMASHEKHAR,
S/O L.B. BASAVEGOWDA,
AGED ABOUT 77 YEARS,
R/AT BOMMANAHALLI VILLAGE,
HARIHARA POST, K.R. PET TALUK,
MANDYA DISTRICT - 571 426.

24. SANJAY B.K.
S/O LATE B.S. KESHAVAMURTHY,
AGED ABOUT 60 YEARS,
R/AT NO.4, 6TH MAIN,
YADAVAGIRI, MYSURU - 570 020.

25. SMT. PARVEEN TAJ,
D/O LATE HAJI MOHAMMED IBRAHIM,
W/O LATE SRI. S.H. BABU,
AGED ABOUT 60 YEARS,

R/AT NO.3, 2ND 'A' CROSS,
KANAKANAGAR, SULTAN PARK
MAIN ROAD, R.T. NAGAR POST,
BENGALURU - 560 032.

26. SMT. ZAREEN TAJ,
D/O HAJI MOHAMMED IBRAHIM,
W/O I.S. ZAKRIA,
AGED ABOUT 60 YEARS,
R/AT NO.13, D.B. ROAD,
R.S.PURAM, COIMBATORE,
TAMIL NADU - 641 002.

27. SMT. TASNEEM TAJ,
D/O LATE HAJI MOHAMMED IBRAHIM,
W/O MOHAMMED MATHEEN,
AGED ABOUT 50 YEARS,
R/AT RAFIQ COMPLEX, URDU SCHOOL,
HUNSUR, MYSURU DISTRICT - 571 105.

28. SMT. JABEEN TAJ,
D/O LATE HAJI MOHAMMED IBRAHIM,
W/O S.G. SYED ATHAYUR REHMAN,
AGED ABOUT 53 YEARS,
R/AT NO.567, NETAJI ROAD,
ERODE-1, TAMIL NADU - 638 001.

29. SMT. ANJUM TAJ,
D/O LATE HAJI MOHAMMED IBRAHIM,
W/O Y. MAHABOOB ASLAM,
AGED ABOUT 44 YEARS,
R/AT NO.5, 5TH CROSS MAIN ROAD,
KALYANASUNDARAM NAGAR,
KARUMANDEPAM, TRICHI-1,
TAMIL NADU - 600 001.

30. SMT. ZAITHUNNISA
W/O LATE HAJI MOHAMMED IBRAHIM,
AGED ABOUT 72 YEARS.
R/AT NO.133, 4TH CROSS,

C.V. ROAD, MANDI MOHALLA,
MYSURU - 570 021.

31. SMT. KHAMAR TAJ,
W/O G.N. AMJAD PASHA,
AGED ABOUT 54 YEARS,
R/AT FLAT NO.17, SAMADHANA NAGAR,
K.G. HALLI, BENGALURU - 560 045.

32. AROON RAMAN
S/O LATE V. RAMAN,
AGED ABOUT 59 YEARS
R/AT NO.100, 5TH MAIN,
PARAMAHAMSA ROAD,
YADAVAGIRI, MYSURU - 570 020.

33. VIKRAM RAMAN
S/O LATE V. RAMAN, MAJOR.

34. SRI. LATHA RAMAN
D/O LATE V. RAMAN,
MAJOR.

35. MANU RAMAN
S/O LATE V. RAMAN,
MAJOR.

RESPONDENT NOS, 34 TO 36 ARE
R/AT NO.19/1, 13TH CROSS,
V.V. MOHALLA, MYSURU - 570 002.

36. R. RAMANUJAM
S/O RAGHAVACHARY, MAJOR,
R/AT NO.17, PARTHASARATHY GARDEN,
CHENNAI - 600 018.

37. S.R. MADHAVAN,
S/O S. RANGACHARI, MAJOR
R/AT NO.56, 1ST MAIN ROAD,
RAJA ANNAMALAYAPURAM,

CHENNAI - 600 028.

38. SMT. PREMA RAMANUJAM,
W/O R. RAMANUJAM,
AGED ABOUT 71 YEARS,
R/AT NO.17, PARTHASARATHY GARDEN,
CHENNAI - 600 018.

39. SMT. AZRA BEGUM,
W/O MOHAMMED IFTHIGHAR AHMED,
AGED ABOUT 51 YEARS,
R/ATNO.16/C, BANNIMANTAP,
INDUSTRIAL 'A' LAYOUT,
HANUMANTHA ROAD,
MYSURU - 570 015.

40. K.N. RAMA MURTHY,
S/O LATE NANJUNDAPPA,
MAJOR,
R/AT NO.23, FIRST CROSS,
SHANTIVANA, SANJEEVINI NAGAR,
BENGALURU - 560 092.

41. S. NAGARAJU,
S/O M.S. SOMESH KUMAR, MAJOR,
R/AT NO.647, 3RD MAIN ROAD,
3RD CROSS, HEBBAL,
MYSURU - 570 016.

42. SMT. CHANDRIKA,
W/O S. NAGARAJU, MAJO,
R/AT NO.647, 3RD MAIN ROAD,
3RD CROSS ROAD, HEBBALA,
MYSURU CITY - 570 016.

43. M.S. SOMESH KUMAR,
S/O P. MUDDAPPA.
MAJOR, R/AT NO.256, 3RD CROSS,
VINAYAKANAGAR, MYSURU - 570 012.

44. K.T. RAJASHEKHAR
S/O LATE K. GOWDA,
AGED ABOUT 79 YEARS.
R/AT NO.321, T.S.P. ROAD,
OPP: BANGALORE MEDICAL COLLEGE,
KALASIPALYAM,
BENGALURU - 560 002.

45. M. SOMESH KUMAR
S/O B. MUDDAPPA,
MAJOR,
R/AT MAHANANDI FARM,
NO.1319/14, NEW NO.K355/14,
J.P. NAGAR, CHAMUNDI HILL ROAD,
MYSURU - 570 004.

46. M. RAMESH KUMAR.
S/O SRI. B. MUDDAPPA
MAJOR,
R/AT HALLADAKERI,
LASHKAR MOHALLA,
MYSURU - 570 001.

47. M. VEERESH KUMAR,
S/O SRI B. MUDDAPPA,
MAJOR,
R/AT HALLADAKERI,
LASHKAR MOHALLA,
MYSURU - 570 001.

48. M. MAHESH
S/O LATE B. MUDDAPPA
AGED ABOUT 75 YEARS
R/AT MAHANANDI DAIRY FARM
CHAMUNDI HILL ROAD,
MYSURU - 570 011.

49. SMT. RATNA
W/O M. MAHESH,
AGED ABOUT 66 YEARS,

R/AT MAHANANDI DAIRY FARM,
CHAMUNDI HILL ROAD
MYSURU - 570 011.

50. M. MADHURA
D/O M. MAHESH
AGED ABOUT 47 YEARS.
R/AT MAHANANDI DAIRY FARM,
CHAMUNDI HILL ROAD,
MYSURU - 570 011.

51. M. SOWMYA
D/O M. MAHESH
AGED ABOUT 44 YEARS
R/AT MAHANANDI DAIRY FARM
CHAMUNDI HILL ROAD,
MYSURU - 570 011.

52. H. YESHWANTH SHENOY
S/O H.V. SHENOY, MAJOR
R/AT NO.6, T. NARASIPURA ROAD,
ALLANAHALLI, MYSURU - 570 011.

53. M. VASANTHA KUMAR
S/O B. MUDDAPPA,
AGED ABOUT 81 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR
MYSURU - 570 011.

YESHODHA.
SINCE DECEASED BY LRS R54 TO R56

54. M.V. NANDEESH,
S/O M. VASANTHA KUMAR,
AGED ABOUT 49 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR
MYSURU - 570 011.

55. M.V. DINESH
S/O M. VASANTHA KUMAR
AGED ABOUT 47 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR,
MYSURU - 570 011.

56. M.V. ROOPESH,
S/O M. VASANTHA KUMAR,
AGED ABOUT 45 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR,
MYSURU - 570 011.

57. SANDHYA
W/O M. SOMESH KUMAR,
AGED ABOUT 62 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR,
MYSURU - 570 011.

58. PAWAN
S/O SMT. SOMESH KUMAR,
AGED ABOUT 35 YEARS
R/AT NO.342, MAHANANDI,
NYAYA MARG, SIDDARTH NAGAR,
MYSURU - 570 028.

…RESPONDENTS

(BY MS. SUMUKHA C.G, ADVOCATE FOR C/R32, 34, 36, 37 AND 38;
SRI. CHANDAN K, ADVOCATE FOR C/R52;
R1, R2, R12, R15, R21, R23, R28, R39 AND R40 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O XLIII RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 02.05.2025 PASSED ON IA NO.1 IN O.S.NO.876/2023 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MYSURU, DISMISSING IA NO.1 FILED U/O.39 RULE 1 AND 2 R/W SEC.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.: 8