HC-KAR

NC: 2026:KHC:60602
MFA No. 5032 of 2023

CNR: KAHC010370332023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 5032 OF 2023 (CPC)

BETWEEN:

SRI. LAKSHMANA,
AGED ABOUT 48 YEARS,
S/O LATE HARIYAPPA GOWDA,
DEVASYA HOUSE,
POST: GUTHIGAR VILLAGE - 574 218,
SULLIA TALUK,
D.K. DISTRICT.

...APPELLANT

(BY SRI. K.CHANDRANATH ARIGA, ADVOCATE)

AND:

SMT. THIMMAKKA,
AGED ABOUT 62 YEARS,
W/O LATE HARIYAPPA GOWDA,
C/O HARISH GOWDA,
SONANGERINADUMANE,
JALSOOR VILLAGE,
POST: SONANGERI - 574 239,
SULLIA TALUK,
D.K. DISTRICT.

...RESPONDENT

(BY SRI. HARISH M.G., ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/O XLIII RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 24.06.2023 PASSED ON I.A.NO.X IN OS.NO.09/2021 ON THE FILE OF THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC, SULLIA, D.K., ALLOWING THE I.A.NO.X FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 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) Since the parties are represented before this Court, they shall appear before the learned

District Judge on **30.11.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 29