HC-KAR

NC: 2026:KHC:61508
MFA No. 5824 of 2022

CNR: KAHC010376682022

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. 5824 OF 2022 (CPC)

BETWEEN:

SMT. JAYAMMA
D/O LATE MUNIDASAPPA
AGED ABOUT 63 YEARS
R/O TEJASHVINI NILAYA
NAGONDANAHALLI MAIN ROAD
CHANNASANDRA, BANGALORE - 560 067.

...APPELLANT

(BY SRI. MARUTHI G.B, ADVOCATE)

AND:

1. SRI. GOPALAPPA M
S/OLATE MUNIDASAPPA
AGED ABOUT 67 YEARS
OCC: AGRICULTURIST
R/AT BHAKTHRAHALLI VILLAGE
NEDAVATTI POST, HOSAKOTE TALUK
BENGALURU RURAL DISTRICT - 560 067.

2. SRI. HANUMAPPA
S/O LATE MUNIDASAPPA
AGED ABOUT 59 YEARS
R/AT OLD POST OFFICE ROAD
BEHIND UDUPI GARDEN HOTEL
CHANNASANDRA, KADUGODI POST
BENGALURU - 560 067
3. SRI B M RAMANNA
S/O LATE MUNIYAPPA
AGED ABOUT 62 YEARS
R/AT BHAKTHRAHALLI VILLAGE
KASABA (HOBALI), HOSAKOTE TALUK

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

BENGALURU RURAL DISTRICT - 560 067.

…RESPONDENTS

THIS MFA IS FILED U/O XLIII RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DT.08.07.2022 PASSED IN O.S.NO.818/2016 ON THE FILE OF THE V ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING IA FILED BY THE DEFENDANT NO.11 U/O.39 RULE 4 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 **04.12.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 23