HC-KAR

NC: 2026:KHC:63833
MFA No. 4535 of 2024

CNR: KAHC010384312024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4535 OF 2024 (CPC)

BETWEEN:

1. SHRUTHI N. KUMAR
   W/O NANJUNDAKUMAR R
   AGED ABOUT 43 YEARS
   R/O NO 768-932, GROUND FLOOR,
   1ST D MAIN ROAD, NEAR MED PLUS,
   GIRINAGAR, BENGALURU - 560 085

...APPELLANT

(BY SRI. SWAROOP S.,ADVOCATE)

AND:

1. KUMARI M MEGHANA
   D/O MALATHESH H S
   AGED ABOUT 14 YEARS
   STUDENT

2. KUMARI HARSHIKA M.
   D/O MALTHESH H S
   AGED ABOUT 12 YEARS
   STUDENT
   MINOR, REPRESENTED BY THEIR NEXT FRIEND
   MOTHER AS GUARDIAN BY NAME
   H K DEVIKA
   W/O MALATHESH H S
   R/O THERUMALLESHWARA TEMPLE ROAD,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

WARD NO 11,
HIRIYUR TOWN AND TALUK

3. H M SHIVALINGAMURTHY
S/O SOPPINA MALLAPPA @ MALLAPPA
AGED ABOUT 77 YEARS
AGRICULTURIST

4. SMT H T ANUSUYA
W/O H M SHIVALINGAMURTHY
AGED ABOUT 66 YEARS
HOUSE WIFE

5. MALTHESH H S
S/O H M SHIVALINGAMURTHY
AGED ABOUT 50 YEARS
AGRICULTURIST

6. NAGAMANI H S
D/O H M SHIVALINGAMURTHY
W/O SHIVKUMAR
AGED ABOUT 48 YEARS

7. H S NIRANJANMURTHY
S/O H M SHIVALINGAMURTHY
AGED ABOUT 45 YEARS
AGRICULTURIST

8. S G PRASAD
S/O H M SHIVALINGAMURTHY
AGED ABOUT 40 YEARS
AGRICULTURIST

THE RESPONDENTS NO.3 TO 8 ARE RESIDENTS OF
IN FRONT OF THERUMALLESHWARA TEMPLE ROAD,

WARD NO 11,
HIRIYUR TOWN AND TALUK

…RESPONDENTS

(BY SRI. PUNITH C., ADVOCATE FOR R1 AND R2
(R1 AND R3 ARE MINORS REPRESENTED BY GUARDIAN SMT. DEVIKA H.K.)
SRI. CHITHAPPA, ADVOCATE FOR R3 TO R8)

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 09.02.2024 PASSED ON I.A.NO.1 IN OS.NO.114/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, HIRIYUR, ALLOWING THE IA.NO.1 FILED 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 14.12.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK, List No.: 1 Sl No.: 31