HC-KAR

NC: 2026:KHC:60695
MFA No. 5320 of 2023

CNR: KAHC010393992023

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. 5320 OF 2023 (CPC)

BETWEEN:

1. SMT. RATHNA
   AGED ABOUT 55 YEARS,
   W/O NARAYANA
   R/AT D.NO. G-131/1,
   NETLA MAKKAR HOUSE,
   GOLTHAMAJAL VILLAGE,
   POST KALLADKA,
   BANTWAL TALUK - 574 222.

2. SMT. SUSHEELA N
   AGED ABOUT 54 YEARS,
   W/O VASU
   D/O GOPU NAIKA,
   R/AT KENJEDDU MANE
   KANBETTU, KUNCHURU POST
   HEBRI TALUK - 576 112.

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3. SRI. SATHISH
   AGED ABOUT 51 YEARS,
   S/O GOPU NAIKA
   R/AT PRIYA NAGAR,
   2ND CROSS, KADYADI,
   NO. 80, BADAGABETTU VILLAGE,
   UDUPI TALUK - 576 107.

4. SMT. SHARADA
   AGED ABOUT 48 YEARS,
   W/O SHEKARA
   D/O GOPU NAIKA,
   R/AT PUTHIGE VILLAGE,
   MOODABIDRI

KARKALA TALUK - 574 227.

5. SMT. SUNITHA
AGED ABOUT 41 YEARS,
W/O UDAYA
D/O GOPU NAIKA,
OR/AT D.NO. 1-278B,
NOLE DARKASTH,
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
P.O. KUNJIBETTU
UDUPI TALUK - 576 102.

6. SMT. ASHA
AGED ABOUT 37 YEARS,
W/O SANTHOSH
D/O GOPU NAIKA,
R/AT D.NO. 1-278B,
NOLE DARKASTH,
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
P.O. KUNJIBETTU
UDUPI TALUK - 576 102.

7. SMT. VARIJA
AGED ABOUT 38 YEARS,
W/O RATHNAKAR
D/O GOPU NAIKA,
R/AT PUTHIGE VILLAGE,
MOODABIDRI
KARKALA TALUK - 574 227.

8. SMT. HARISH
AGED ABOUT 36 YERS,
S/O GOPU NAIKA, R/O NOLEACHL,
SHIVALLI VILLAGE, PO KUNJIBETTU
UDUPI TALUK - 576 102.

...APPELLANTS

(BY SRI. SACHIN B.S, ADVOCATE)

AND:

1. SRI. GOPU NAIKA
   AGED ABOUT 79 YEARS,
   S/O GIRGU NAIKA
   R/O D.NO.4-25,
   SAGRI NOLELACHIL
   SHIVALLI VILLAGE,
   PO KUNJIBETTU,
   UDUPI TALUK - 576 102.

2. SMT. SUNDARI
   AGED ABOUT 61 YEARS,
   W/O VENKATESH
   D/O GOPU NAIKA
   R/O KOTNAKATTE,
   BOMMARABETTU VILLAGE,
   PO HIRIADKA,
   UDUPI TALUK - 576 113.

3. SMT. VEENA
   AGED ABOUT 56 YEARS,
   W/O VITTALA NAIK,
   R/O NOLE-LACHIL,
   MOODUPERAMPALLI,
   SHIVALLI VILLAGE,
   PO KUNJIBETTU,
   UDUPI TALUK - 576 102.

4. SMT. LATHA
   AGED ABOUT 42 YEARS,
   D/O VITTALA NAIKA
   R/O NOLE-LACHIL,
   MOODUPERAMPALLI
   SHIVALLI VILLAGE,
   PO KUNJIBETTU
   UDUPI TALUK - 576 102.

5. SMT. SUPRITHA
   AGED ABOUT 36 YEARS,

D/O VITTALA NAIK,
R/O NOLE-LACHIL
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

6. SRI. ROHITH
AGED ABOUT 31 YEARS,
S/O VITTALANAIK,
D/O GOPU NAIKA
R/AT NOLE-LACHIL
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

7. SRI. SHRINIVASA NAIKA
AGED ABOUT 56 YEARS,
S/O AITHUNAIKA,
R/AT NOLE-LACHIL,
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

8. SRI. VASU NAIKA
AGED ABOUT 47 YEARS,
S/O AITHU NAIKA,
R/AT NOLE-LACHIL,
MOODUPERAMPAL,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

9. SRI. PANDU NAIKA
AGED ABOUT 41 YEARS,
S/O AITHU NAIKA,
R/AT NOLE-LACHIL,
MOODUPERAMPALLI,

SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

10. SRI. SURESH NAIKA
AGED ABOUT 35 YEARS,
S/O AITHU NAIKA,
R/AT NOLE-LACHIL,
MOODUPERAMPALLI,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

11. SRI. THEJASVI GANESH D
AGED ABOUT 41 YEARS,
S/O SUBRAMANYA BHAT,
R/AT NOLE-LACHIL,
MOODUPERAMPAL,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

12. SRI. RAVIPRAKSH KB
AGED ABOUT 43 YEARS,
S/O BHAKARA K,
R/AT NOLE-LACHIL,
MOODUPERAMPAL,
SHIVALLI VILLAGE,
PO KUNJIBETTU,
UDUPI TALUK - 576 102.

…RESPONDENTS

(BY SRI. S.K. ACHARYA, ADVOCATE FOR R2 TO R6;
R1 AND R7 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 43 RULE 1(R) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 24.03.2023 PASSED IN OS.NO.30/2022 BY II ADDITIONAL SENIOR CIVIL JUDGE AND ACJM, UDUPI AND CONSEQUENTLY ALLOW I.A.NO.2.

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 **30.11.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 8