HC-KAR

NC: 2026:KHC:60151
MFA No. 4587 of 2025

CNR: KAHC010397632025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4587 OF 2025 (CPC)

BETWEEN:

SMT. N.MAHALAKSHMI
W/O LATE T.M. NARASIMHAIAH
AGED ABOUT 54 YEARS,
R/AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BANGALORE SOUTH TALUK
PIN - 562 130.

ALSO AT R/AT ,10TH CROSS,
3RD MAIN, NEAR S.S. PUBLIC SCHOOL,
VISVESWARAYA NAGARA, SUNKADHA KATEE,
BENGALURU -560009.

...APPELLANT

(BY SRI. SUBBA SHASTRY N., ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI.CHIKKA GANGA NARASIMHAIAH
@T.MARIYAPPA
S/O LATE NARASIMHAIAH
AGED ABOUT 86 YEARS
RESIDING AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK.
PIN- 560 086

2. SRI.T.M.NAGARAJU
S/O CHIKKA GANGA NARASIMHAIAH @
T. MARIYAPPA
AGED ABOUT 43 YEARS
RESIDING AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BANGALORE SOUTH TALUK
BANGALORE - 562 130

3. SMT.T.M.RANI
D/O CHIKKA GANGA NARASIMHAIAH @
T.MARIYAPPA
W/O LATE ERANNA
AGED ABOUT 41 YEARS RESIDING AT
KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BANGALORE SOUTH TALUK
BANGALORE - 562 130

4. SMT. T.M. KRISHNAMURTHY
D/O CHIKKA GANGA NARASIMHAIAH @
T.MARIYAPPA
AGED ABOUT 40 YEARS
RESIDING AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI, BANGALORE SOUTH TALUK
BANGALORE -562 130

5. SMT. MANJULA
W/O T.M. NAGARAJU
AGED ABOUT 38 YEARS
RESIDING AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BANGALORE SOUTH TALUK
BANGALORE - 562 130

6. THE BRANCH MANAGER CANARA BANK,
TAVAREKERE BRANCH,
TAVAREKERE, BANGALORE SOUTH TALUK
BANGALORE - 562 130

7. THE EXECUTIVE ENGINEER,
KSHIP(3) PLAN IMPLEMENTATION UNIT,
1ST FLOOR, PWD ANNEXURE BUILDING
K.R. CIRCE, BANGALORE - 560 001

8. THE STATE OF KARNATAKA
REP. BY PRINCIPAL SECRTARY PWD
(KSHIP) VIDHANASOUDHA,
BANGALORE - 560 001

…RESPONDENTS

(BY SRI. N. SHIVAKUMAR, ADVOCATE FOR R1 TO R5
SRI. RANJAN KELKAR, ADVOCATE FOR R6)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 22.04.2025 PASSED ON I.A.NO.1 IN OS.NO.372/2023 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MAGADI, REJECTING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 READ WITH 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) List this matter before the District Court on 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK, List No.: 1 Sl No.: 34