HC-KAR

NC: 2026:KHC:61068
MFA No. 4666 of 2025

CNR: KAHC010403822025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 4666 OF 2025 (CPC)

BETWEEN:

SRI. N. SUBRAMANI,
SON OF SRI. V. NAGARAJAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NO. 5,
VENKATESHWARA, JAKKUR POST,
YELAHANKA HOBLI, BENGALURU - 560 064.

...APPELLANT

(BY SRI. MANJUNATH G. KANDEKAR, ADVOCATE)

AND:

SRI. THIMMARAYAPPA,
SON OF LATE SRI. PAPANNA,
AGED ABOUT 66 YEARS,
RESIDING AT KESARAGERE VILLAGE,
MALUR TALUK, KOLAR DISTRICT,
KARNATAKA - 563 139.
ALSO AT: VINAYAKA NAGAR,
WHITE FIELD POST, K.R. PURAM HOBLI,
BENGALURU - 560 066.

...RESPONDENT

(BY SRI. H.R. ANANTHA KRISHNAMURTHY, ADVOCATE FOR C/R)

THIS MFA IS FILED U/O XLIII RULE 1(d) OF CPC, AGAINST THE ORDER DATED 02.06.2025 PASSED IN MISC.NO. 17/2016 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, REJECTING THE PETITION FILED UNDER ORDER IX RULE 13 READ WITH SECTION 151 OF CPC.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

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 **02.12.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 36