HC-KAR

CNR: KAHC010409202019

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. 6451 OF 2019 (CPC)

BETWEEN:

1. SMT NAGARATHNAMMA LINGAPPAGOWDA
   W/O LATE LINGAPPAGOWDA
   AGED ABOUT 71 YEARS
   R/O KALAMAKKI RIPPONPET
   HOSANAGAR TALUK
   SHIVAMOGGA DISTRICT - 577 426

2. SUVARNAMMA
   W/O LATE ESHWARAPPA
   AGED ABOUT 61 YEARS
   R/O RIPPONPET
   HOSANAGAR TALUK
   SHIVAMOGGA DISTRICT - 577 426

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Location: HIGH COURT OF KARNATAKA

3. SMT VASUNDARA
   W/O MALLIKARJUNAGOWDA
   AGED ABOUT 50 YEARS
   R/O HODLAVASA, THIRTHAHALLI TALUK
   SHIVAMOGGA DISTRICT - 577 432

4. YOGESH
   S/O LATE MURIGEPPAGOWDA
   AGED ABOUT 56 YEARS
   R/O MALANDUR VILLAGE
   ANANAPURA HOBLI
   SAGAR TALUK, SHIVAMOGGA DISTRICT - 577 402

5. NATARAJ
S/O LATE MURIGEPPAGOWDA
AGED ABOUT 49 YEARS
R/O MALANDUR VILLAGE
ANANDAPURA HOBLI
SAGAR TALUK
SHIVAMOGGA DISTRICT - 577 402

…APPELLANTS

(BY SRI. CHIDAMBARA G.S., ADVOCATE)

AND:

1. SMT PRIYANKA
W/O PRASHANTHA
D/O PANDURANGAPPA
AGED ABOUT 32 YEARS
R/O KUBATURU
ANAVATTI HOBLI
SORAB TALUK
SHIVAMOGGA DISTRICT - 577 429

2. PUTTASWAMYGOWDA
S/O LATE MURIGEPPAGOWDA
AGED ABOUT 57 YEARS

3. SMT KAVITHA
W/OP PUTTASWAMIGOWDA
AGED ABOUT 52 YEARS

RESPONDENTS NO.2 AND 3 ARE
R/O MALANDUR VILLAGE
ANANDAPURA HOBLI
SAGAR TALUK, SHIVAMOGGA DISTRICT - 577 402

4. PANDURANGAPPA T V
S/O VENKATAPPA

AGE NOT KNOWN TO THE APPELLANTS
OWNER OF GAJANANA WINE SHOP
GANDHINAGAR, SAGAR TOWN
SAGAR, SHIVAMOGGA DISTRICT - 577 401

…RESPONDENTS

(BY SMT. VIJAYA M.N., ADVOCATE FOR R4

R1 TO R3 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(j) OF CPC, AGAINST THE ORDER DATED 10.04.2019 PASSED ON I.A. NO.4 IN EX.CASE NO.75/2017 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, SAGAR, REJECTING I.A. NO.4 FILED UNDER ORDER 21 RULES 58 AND 90 OF CPC AS IT IS NOT MAINTAINABLE.

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.: 29