HC-KAR

NC: 2026:KHC:61845
MFA No. 6282 of 2022

CNR: KAHC010411752022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 6282 OF 2022 (CPC)

BETWEEN:

1. SRI B R SUBRAMANYA
   S/O LATE SRI B V RAMASHASTRI
   AGED ABOUT 78 YEARS
   R/A HOUSE NO.2230, 3RD CROSS,
   2ND MAIN, IST VILLA
   K BLOCK, KUVEMPUNAGARA
   MYSORE - 570 023

2. SMT K V KANAKAMBA
   D/O LATE SRI. B.V. RAMA SHASTRI
   AGED ABOUT 67 YEARS
   R/A HOUSE NO.72/17, 3RD CROSS,
   ITTAMADU, BENGALURU - 560 085

3. SMT B R LALITHAMMA
   D/O LATE SRI B V RAMA SHASTRI
   AGED ABOUT 65 YEARS
   R/A HOUSE NO.1410, 1415/3, 3RD FLOOR
   6TH MAIN, OPP RAILWAY GATE
   KRISHNAMURTHIPURAM
   MYSORE - 570 004

4. SMT NAGALAKSHMI
   SINCE DEAD THROUGH LR
   SRI H C SATYANARAYANA

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

R/AT NO.554, HEMAVATHINAGARA POST
OFFICE ROAD, HASSAN - 573 203

5. SMT R INDRANI
D/O LATE SRI B V RAMA SHASTRI
AGED ABOUT 64 YEARS
R/A HOUSE NO.1410, 1415/3, 3RD FLOOR,
6TH MAIN, OPP RAILWAY GATE
KRISHNAMURTHIPURAM
MYSORE - 570 004

6. SRI B R VENKATRAMA SHASTRI
S/O LATE SRI B V RAMA SHASTRI
AGED ABOUT 62 YEARS
R/A NO.111, DAM QUARTERS
KOPPALA - 583 234

…APPELLANTS

(BY SRI. PARASHURAM A.L., ADVOCATE)

AND:

1. SMT PILLAMMA
W/O LATE SRI JAYARAMAIAH
AGED ABOUT 80 YEARS
R/A BETTAHALASURU VILLAGE
JALA HOBLI
BANGALORE NORTH TALUK
BENGALURU - 562 157

2. SMT SHOBHA
W/O LATE SRI CHANDRAPPA
AGED ABOUT 43 YEARS
R/A BETTAHALASURU VILLAGE
JALA HOBLI, BANGALORE NORTH TALUK
BENGALURU - 562 157

3. THE TAHSILDAR
BANGALORE NORTH ADDITIONAL TALUK
MINI VIDHANA SOUHDA
YELAHANKA, BENGALURU - 560 064

4. THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB DIVISION
KANDHAYA BHAVAN
BENGALURU - 560 009

5. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU - 560 009

6. SRI SRIKANTA SHASTRI
S/O LATE SRI B V RAMA SHASTRI
AGED ABOUT 60 YEARS
R/A BETTAHALASURU VILLAGE
JALA HOBLI, BANGALORE NORTH TALUK
BENGALURU - 562 157

…RESPONDENTS

(BY SRI. SANJAY YADAV B., AGA FOR R3 TO R5
R1 AND R2 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 29.07.2022 PASSED ON I.A.NO.1 IN OS.NO.417/2022 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI, C/C II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC DEVANAHALLI, REJECTING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC.

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) List this matter before the District Court on 07.12.2026.

vi) As an interim order is granted by this Court, the same shall continue till disposal of the application before the District Court. No opinion is expressed by this Court.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 5