HC-KAR

NC: 2026:KHC:54996
MFA No. 6898 of 2016

CNR: KAHC010421282016

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1ST DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**MISCELLANEOUS FIRST APPEAL NO. 6898 OF 2016 (CPC)**

**BETWEEN:**

1. SRI. TONY P. VERGHESE
   S/O. P.C. KUNJAPPAN,
   AGED ABOUT 30 YEARS,

2. MISS. TEENA
   D/O. P.C. KUNJAPPAN,
   AGED ABOUT 24 YEARS,

   BOTH ARE R/OF. PALLIKUNAL HOUSE,
   BELTHANGADI TALUK,
   DAKSHINA KANNADA.

...APPELLANTS

(BY SMT. RESHMA H.K., ADVOCATE FOR A1

SRI. SHIVA SHANKAR C., ADVOCATE FOR A2)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

**AND:**

1. VIJAYA BANK
   CHIKKAMAGALUR - 577 101,
   REPRESENTED BY ITS MANAGER.

2. K.J. JOY ANTHONY
   S/O. LATE K.P. JOSEPH,
   AGED ABOUT 56 YEARS,
   PROP ST ANTHONY TYRES & QUALITY ENTERPRISES,
   I.G. ROAD, CHIKMAGALUR,
   R/O. VICTORY VILLA,

PENSION MOHALLA,
CHIKMAGALUR - 577 101.

3. BEBO ANTHONY
S/O. LATE K.P. JOSEPH,
AGED ABOUT 44 YEARS,
R/O. VICTORY VILLAGE,
PENSION MOHALLA,
CHIKMAGALUR - 577 101.

4. GERALD D'SOUZA
S/O. JKL D'SOUZA,
AGED ABOUT 51 YEARS,
R/O. WHITE HOUSE,
CHURCH ROAD,
CHIKMAGALUR - 577 101.

5. SMT. K.P. VICTORIA
W/O. K.P. JOSEPH,
AGED ABOUT 73 YEARS,

6. K. J. BABU DANIAL
S/O. K.P. JOSEPH,
AGED ABOUT 50 YEARS,

7. MRS. K.J. ALICE
D/O. K.P. JOSEPH,
AGED ABOUT 57 YEARS,

8. MISS K. J. PHILOMENA
D/O. K.P. JOSEPH,
AGED ABOUT 55 YEARS,

9. MISS K. J. GLADYS
D/O. K.P. JOSEPH,
AGED ABOUT 53 YEARS,

10. MISS K.J. JENET
D/O. K.P. JOSEPH,
AGED ABOUT 29 YEARS,

11. MISS K J THEIMA
D/O. K.P. JOSEPH,
AGED ABOUT 51 YEARS,

12. K. J. LAWRENCE
S/O. K. P. JOSEPH,
AGED ABOUT 44 YEARS,

RESPONDENTS NO.5 TO 12 ARE
R/AT VICTORY VILLA,
PENSION MOHALLA,
CHIKAMAGALUR - 577 101.

…RESPONDENTS

(BY SRI. P.N. PRASHANTH, ADVOCATE FOR R1
NOTICE TO R2 TO R12 IS HELD SUFFICIENT
VIDE ORDER DATED 15.04.2019)

THIS MFA IS FILED UNDER ORDER 43 OF CPC, AGAINST THE ORDER DATED 26.09.2016 PASSED ON I.A. VI IN Ex.NO. 107/2015 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, CHIKKAMAGALURU, REJECTING I.A. NO.VI FILED BY JUDGMENT DEBTOR NO.12 AND 13 UNDER ORDER XXI RULE 58 READ WITH SECTION 151 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 02.11.2026.

**Sd/-**
**(PRADEEP SINGH YERUR)**
**JUDGE**

RCK, List No.: 1 Sl No.: 2