HC-KAR

NC: 2026:KHC:60164
MFA No. 5127 of 2025

CNR: KAHC010447752025

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. 5127 OF 2025 (CPC)

BETWEEN:

MRS CYRILLA MATILDA PEREIRA
W/O LATE JOHN BAPTIST PEREIRA
AGED ABOUT 73 YEARS
RESIDING AT MASTHIKATTE HOUSE
THODAR POST, HOSABETTU VILLAGE
MOODABIDRE,
MANGALORE TALUK - 574 227

...APPELLANT

(BY SRI. VIJAY KRISHNA BHAT M., ADVOCATE)

AND:

1. STANY PINTO
AGED ABOUT 50 YEARS
S/O LATE COCESS PINTO
R/AT ADU MAROLI KULASHEKAR POST,
MANGALORE - 575 005

2. DOROTHY D'SILVA
AGED MAJOR,
D/O LATE COCESS PINTO
R/AT BATTAKODI HOUSE
PACHANADY, PADANGADY POST
MANGALORE - 575 008.

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Location: HIGH COURT OF KARNATAKA

3. MRS. RONI ROSE MARIA PEREIRA
W/O J.B. PEREIRA
AGED ABOUT 61 YEARS
R/AT MASTIKATTE HOUSE THODAR POST
HOSABETTU VILLAGE
MANGALORE TALUK - 574 227

4. JOYCE SOPHIA PEREIRA
D/O LATE JOHN BAPTIST PEREIRA
AGED ABOUT 60 YEARS
R/AT DIVINE STAR HOUSE
PRANTHIYA VILLAGE
PAPER MILL MOODABIDRI POST
MANGALORE - 574 227.

5. DINESH AUSTIN PEREIRA
S/O LATE JOHN BAPTIST PEREIRA
AGED ABOUT 59 YEARS
R/AT C/O B.C.GOPALAKRISHNA
NO.61, ITTAMADU B.S.K.III STAGE
WEBSTERS SCHOOL, 2ND STAGE
BANGALORE - 560 085.

6. JANE THEROSA PEREIRA
D/O LATE JOHN BAPTIST PERIERA
W/O ANTONY STEVEN ALMELDA
AGED ABOUT 55 YEARS
R/AT 33, MONK SPARK AVENUE HORFIED,
BRISTOL - BS70UB.

7. NAVEEN SURESH PEREIRA
S/O JOHN BAPTIST PEREIRA
AGED ABOUT 52 YEARS
R/AT C/O OMAN EMBESSY

POST BOX NO.26414
ADYA KINGDOM OF BAHRAIN.

8. SUNITHA PRIYA PEREIRA
D/O LATE JOHN BAPTIST PEREIRA
W/O RONALD PRAKASH D'SOUZA
AGED ABOUT 47 YEARS
R/AT 4636, JAMES AUSTIN DRIVE
MISSISSAGA ON L424G9
CANADA.

9. PRAVEEN RAKESH PEREIRA
S/O LATE JOHN BAPTIST PEREIRA
AGED ABOUT 43 YEARS
R/AT PLOT NO.15, DOOR NO.19
MOHARAPURI, 3RD STREET
BRINDAVAN NAGAR MAIN ROAD
ADAMBAKKAM
CHENNAI - 600 088.

10. FELIX PEREIRA (DEAD)
S/O LATE ROSARIO PEREIRA
(SINCE DEAD BY HIS LRS
IRENE PEREIRA
W/O LATE FELIX PEREIRA
AGED ABOUT 75 YEARS
C/O MARDIENE D'SOUZA WADI
MARVE ROAD, ORLEM CHURCH LANE
MALAD, BOMBAY - 400 064.

11. ERNESTINE JULIET PEREIRA @ D'SILVA
D/O LATE FELIX PEREIRA
AGED MAJOR,
C/O MARDIENE D'SOUZA WADI

MARVE ROAD, ORLEM
CHURCH LANE
MALAD, BOMBAY - 400 064

12. SUCCOURINA PEREIRA @ SALDANHA
AGED MAJOR,
D/O LATE FELIX PEREIRA.
C/O MARDIENE D SOUZA WADI
MARVE ROAD, ORLEM CHURCH LANE
MALAD, BOMBAY - 400 064.

13. SAVIO PEREIRA
D/O LATE FELIX PEREIRA.
AGED MAJOR,
C/O MARDIENE D SOUZA WADI
MARVE ROAD, ORLEM CHURCH LANE
MALAD, BOMBAY - 400 064.

14. FLORY PEREIRA
D/O LATE FELIX PEREIRA
AGED MAJOR,
C/O MARDIENE D'SOUZA WADI
MARVE ROAD, ORLEM CHURCH LANE
MALAD, BOMBAY - 400 064.

ALBERT PEREIRA S/O LATE ROSARIO PEREIRA
SINCE DECEASED BY LR

15. ALICE PEREIRA
W/O LATE ALBERT PEREIRA
AGED ABOUT 75 YEARS.
RESIDING AT 21-141 PADAVU II,
KOTEMURA HOUSE, KULSHEKAR POST
MANGALORE - 575 005.

16. ALAN PEREIRA
S/O LATE ALBERT PEREIRA
AGED ABOUT 52 YEARS
RESIDING AT 21-141 PADAVU II,
KOTEMURA HOUSE
KULSHEKAR POST
MANGALORE - 575 005.

17. LOUISA PEREIRA
D/O LATE ROSARIO PEREIRA
AGED ABOUT 72 YEARS
R/AT KOTEMURA HOUSE
KULSHEKAR POST
MANGALORE - 575 005.

18. STELLA PEREIRA
D/O LATE ROSARIO PEREIRA
AGED ABOUT 66 YEARS
R/AT KOTEMARU HOUSE
KULASHEKAR POST
MANGALORE - 575 005.

19. AMBROSE D'SILVA
AGED ABOUT 59 YEARS
20. PREETHI D'SILVA
D/O AMBROSE D SILVA
AGED ABOUT 35 YEARS
21. PRASHANTH D'SILVA
S/O AMBROSE D SILVA
AGED ABOUT 32 YEARS

22. PRADEEP D'SILVA
S/O AMBROSE D SILVA
AGED ABOUT 29 YEARS

23. PRATHISTHA DIANA D'SILVA
D/O AMBROSE D SILVA
AGED ABOUT 27 YEARS

RESPONDENTS NO.19 TO 23 ARE THE HUSBAND AND CHILDREN OF LATE LEENA D SILVA AND ARE RESIDING AT KOTIMARU HOUSE KULSHEKAR POST, MANGALORE.

24. DONALA SOANS
S/O LATE H.P.SOANS
AGED ABOUT 60 YEARS
R/AT VARDIL BUILDING
ROOM NO.13, CHOKALE ROAD
DADAR, MUMBAI - 28.

…RESPONDENTS

THIS MFA IS FILED U/O.43 RULE 1(d) OF CPC, AGAINST THE ORDER DT.07.04.2025 IN MIS.31/2013 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, MANGALURU, DAKSHINA KANNADA, DISMISSING THE PETITION FILED U/O.9 RULE 13 R/W SEC.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 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 11