HC-KAR

NC: 2026:KHC:59977
MFA No. 5396 of 2025

CNR: KAHC010475232025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 5396 OF 2025 (CPC)

BETWEEN:

1. SRI. D.C. CHOODAIAH
S/O. LATE CHIKKABSAVAIAH,
AGED ABOUT 61 YEARS,
RESIDING AT HANUMAN TEMPLE,
SONAPPANAHALLI, BETTAHALASURU,
BENGALURU NORTH - 560 057.

2. SRI. BASAVANNA. M.C.
S/O. CHOODAIAH,
AGED ABOUT 49 YEARS,
RESIDING AT NO.1710, 4TH CROSS,
PRASHANTH NAGARA, T. DASARAHALLI,
BENGALURU NORTH - 560 057.

3. SRI. SHIVARAJU. M.
S/O. DODDAMUDDAIAH,
AGED ABOUT 46 YEARS,
R/T NO.25, HOSA MAIN ROAD,
AJADNAGARA, CHAMARAJAPETE,
BENGALURU SOUTH - 560 018.

4. SMT. RATHNAMMA,
W/O. RAMA,
AGED ABOUT 42 YEARS,
RESIDING AT MALLAPPANADODDI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 117.

5. SMT. BHAGYALAKSHMI,
W/O. LATE. SHIVALINGAIAH,
AGED ABOUT 46 YEARS,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

RESIDING AT NO.11,
MALLAPPANADODDI VILLAGE,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 117.

…APPELLANTS

(BY SRI. B. SHARATH KUMAR, ADVOCATE)

AND:

1. SMT. DEVAMMA
   W/O. LATE. CHIKKAMARIGOWDA,
   AGED ABOUT 71 YEARS,

2. SMT. P. JAYAMMA,
   W/O. LATE. PUTTEGOWDA,
   AGED ABOUT 66 YEARS,

3. SMT. PUTTAMMA,
   W/O. LATE. KULLEGOWDA,
   AGED ABOUT 51 YEARS,

   DEFENDANT NO.1 TO 3 ARE
   R/AT DYAPEGOWDANADODDI VILLAGE,
   MALAGALU POST, KASABA HOBLI,
   KANAKAPURA TALUK,
   RAMANAGARA DISTRICT - 562 117.

4. SRI. HARISHBABU,
   S/O LATE SHAMARAO K.P.
   AGED ABOUT 56 YEARS,

5. SMT. SHALINI HARISH
   W/O. HARISH BABU K.S.
   AGED ABOUT 52 YEARS,

6. KUM ADHITI K.H.
   D/O. HARISH BABU K.S.
   AGED ABOUT 22 YEARS,

7. SMT. MAHIMA KULKARNI. K.

W/O. PRADYUMNA. K.H.
AGED ABOUT 28 YEARS,

8. SMT. GAYATHRI. K.S.
D/O. LATE. SHAMARAO. K.P.
AGED ABOUT 54 YEARS,

9. SMT. SUMA K.S.
D/O LATE. SHAMARAO K.P.
AGED ABOUT 52 YEARS,

10. SRI. RAVI. K.S.
S/O. LATE. SHAMARAO K.P.
AGED ABOUT 51 YEARS,

11. SMT. SAVITHA N.
W/O. RAVI K.S.
AGED ABOUT 49 YEARS,

12. SMT. YASHASWINI. R.
D/O. RAVI. K.S.
AGED ABOUT 24 YEARS,
ALL ARE RESIDING AT NO.25/1,
6TH PARALLEL ROAD, CHAMARAJAPETE,
BENGALURU SOUTH - 560 018.

…RESPONDENTS

(BY SRI. MAHENDRA N, ADVOCATE FOR R1 TO R3)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(R) READ WITH SECTION 151 OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 03.05.2025 ON IA.NO.II IN O.S.NO.183/2024 BY THE SENIOR CIVIL JUDGE AND JMFC, KANAKAPURA.

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) Since the parties are represented before this Court, they shall appear before the learned District Judge on **30.11.2026** without awaiting any further notice.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 18