HC-KAR

NC: 2026:KHC:60001
MFA No. 5386 of 2025

CNR: KAHC010475612025

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. 5386 OF 2025 (CPC)

BETWEEN:

KEERTHI DSOUZA
S/O. HENRY DSOUZA
AGED ABOUT 39 YEARS
RESIDING AT #2240/66E
CHURCH ROAD, WARD NO.7
CHANNAPATNA TOWN.

PRESENTLY RESIDING AT
#1208, S1, DISHA APARTMENT
3RD STAGE, BEML LAYOUT
RAJARAJESHWARINAGARA
BENGALURU - 560 098.

...APPELLANT

(BY SRI S.R. HEGDE HUDLAMANE, ADVOCATE)

AND:

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

SRI C. NANDA GOPAL
S/O. LATE CHANNAIAH
AGED ABOUT 57 YEARS
RESIDING AT #27/11B
4TH A CROSS, KANAKANAGARA
MAHADESHWARA TEMPLE ROAD
CHANNAPATNA TOWN - 562 160
RAMANAGARA DISTRICT.

...RESPONDENT

(BY SRI ROOPESHA B., ADVOCATE)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(R) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 04.07.2025

PASSED ON I.A.NO.I IN O.S.NO.179/2024 BY THE SENIOR CIVIL JUDGE AND JMFC AND CHANNAPATNA AND ETC.

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) 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.: 36