HC-KAR

NC: 2026:KHC:60140
MFA No. 5425 of 2025

CNR: KAHC010478412025

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. 5425 OF 2025 (CPC)

BETWEEN:

1. M/S BRIGHT PACKAGING PVT LTD
   A PRIVATE LIMITED COMPANY
   INCORPORATED UNDER COMPANIES ACT, 1956
   HAVING ITS OFFICE AT PLOT NO.162-B
   BAIKAMPADY INDUSTRIAL AREA
   BAIKAMPADY, MANGALORE - 575 011

   REPRESENTED BY DIRECTOR ITS MANAGING
   SRI. ANKIT BANSAL
   S/O. SRI. ANIL KUMAR BANSAL
   AGED ABOUT 39 YEARS

   …APPELLANT

(BY SRI. YESHU BABA R. MISHRA, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. MR MAHESH KULAL
   S/O RAGU MOOLYA
   AGED ABOUT 38 YEARS
   DOOR. NO.1-55-1,
   RESIDING AT 1-148,
   NEAR BAILU BEEDU HOUSE
   KOLAMBE, MANGALORE -574 142

2. MR. GOVARDHAN
S/O BIMASEN SAHOO
AGED ABOUT 43 YEARS
TUNUTUNA POST, ALI KANTA,
BALIKUDA DISTRICT - 754 108
ODISHA STATE

3. MR. PITHAMBAR
C/O RAVI VARMA RAJA
AGED ABOUT 66 YEARS
NO.32 KULAI, CHITRAPUR,
NEAR VISHNU BHAJANA MANDIRA
MANGALORE BAIKAMPADY - 575 011

4. MR. SAIPRASAD
S/O SUNDARA POOJARY
AGED ABOUT 34 YEARS
3-50 PATNA MANE KADANDALE
MANGALORE - 574 227

5. MR. ANANTHA SAGAR
S/O SUBASHINI,
AGED ABOUT 38 YEARS
RESIDING AT D.NO 8-114/6(1)
SHARATHRI, THIMMAPAI BEHIND COLONY,
PADAVU FRIENDS CLUB, SHAKTHINAGAR,
MANGALORE - 575 016

6. MR. DEVAN
PARENTAGE NOT KNOWN
ADULT
R/AT CHOWPATY ROAD
SEA FACE, PORBANDAR,
GUJARAT - 360 575

7. MR.SANJAY JHOSI
PARENTAGE NOT KNOWN

ADULT
R/AT TRIKON BAUG, MALAVIYA STREET,
BEHIND INDIA BAKERY, DHEBAR CHOWK,
KARANPARA, RAJKOT, GUJARAT - 360 001

8. MR.JAYESH
PARENTAGE NOT KNOWN
ADULT
R/AT NEW SUPER MARKET,
NEAR BEDI ROAD, PANCHESWAR TOWER,
JAMNAGAR, GUJARAT - 361 001

9. MRS. SUSHMA MAHESH KULAL
W/O MR. MAHESH KULAL
AGED 35 YEARS
RESIDING AT 1-148, NEAR BAILU BEEDU HOUSE
KOLAMBE, MANGALORE - 574 142

…RESPONDENTS

(BY SRI.M.CHIDANANDA KEDILAYA, ADVOCATE FOR R1 TO R9;
R4 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/O 43 RULE 1(q) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 11.04.2025 PASSED ON I.A.NOs. 2 AND 3 IN OS.NO. 323/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND CJM, MANGALORE, DAKSHINA KANNADA, FILED UNDER ORDER XXXVIII RULE 5 AND 6 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 23.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 19