HC-KAR

NC: 2026:KHC:60677
MFA No. 7275 of 2022

CNR: KAHC010490022022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 7275 OF 2022 (CPC)

BETWEEN:

SRI. CHANNAKESHAVA,
S/O LATE B.C.MUDDANNA,
AGED ABOUT 50 YEARS,
R/A BILISHIVALE VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 562 147.

...APPELLANT

(BY SRI. VIJAYA KUMAR K., ADVOCATE)

AND:

1. MRS. CONSTANCE,
   D/O LATE FRANK MOSES,
   AGED ABOUT 60 YEARS,

2. MR. PETER MOSES,
   S/O LATE FRANK MOSES,
   AGED ABOUT 58 YEARS,

3. MR. BONNIE FACE FRANK,
   D/O LATE FRANK MOSES,
   AGED ABOUT 55 YEARS,

   RESPONDENTS NO.1 TO 3
   ARE R/AT NO.26, OLD NO.20,
   GRACE STREET, VEPERY,
   CHENNAI - 600 007.

4. DR. V. CHANDRAMOHAN,
   S/O VENKATALAKSHMI ILLAM,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 60 YEARS,
NO.5, BALASUBRAMANYA NAGAR,
G.N.MULS POST,
COIMBATORE - 641 029.

5. SRI. H. ANJANAPPA,
S/O LATE HANUMAIAH,
AGED ABOUT 78 YEARS,

6. SRI. H.A.SHASHIKANTH,
S/O H. ANJANAPPA,
AGED ABOUT 48 YEARS,
RESPONDENTS NO.5 AND 6 ARE
R/A GAJJAGADAHALLI VILLAGE,
DASANAPURA HOBLI,
ARASINAKUNTE,
BENGALURU NORTH TALUK,
BENGALURU - 562 123.

7. SRI. NARASIMHA MURTHY,
S/O UGRESH,
AGED ABOUT 61 YEARS,
NO.59/2, III STAGE,
III CROSS, IV BLOCK,
BASAVESHWARANAGAR,
BENGALURU - 560 079.

8. SRI. C. CHANDRAKANTH,
S/O D.CHOWDAPPA,
AGED ABOUT 50 YEARS,
NO.585, 6TH CROSS,
10TH MAIN, HAL II STAGE,
BENGALURU - 560 008.

…RESPONDENTS

(BY SRI.T.SESHAGIRI RAO, ADVOCATE FOR C/R6)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(R) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 07.09.2022 PASSED ON I.A.NO.II IN O.S.NO.443/2017 BY III ADDITIONAL

SENIOR CIVIL JUDGE AND JMFC, C/C IIND ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI.

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.: 4