HC-KAR

NC: 2026:KHC:61185
MFA No. 5822 of 2024

CNR: KAHC010502602024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 4TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**MISCELLANEOUS FIRST APPEAL NO. 5822 OF 2024 (CPC)**

**BETWEEN:**

MRS. SWARNALATHA HEGDE
W/O. H VASANTHA HEGDE
AGED ABOUT 63 YEARS,
R/O.HOSAMANE, PILATHABETTU VILLAGE,
NAINADU POST, BANTWAL TALUK - 574 233

...APPELLANT

(BY MS. AKSHATHA SHETTY K., ADVOCATE)

**AND:**

MRS YAMUNA @ SUSHEELA
W/O. LATE KORAGAPPA HEGDE
AGED ABOUT 89 YEARS
R/AT.DOOR NO 2-141/C,
PILATHABETTU VILLAGE
NAINADU POST
BANTWAL TALUK - 574 233

...RESPONDENT

(BY SRI. L.N. HEGDE, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 03.07.2024 PASSED ON IA.NO.II AND V IN OS.NO.15/2023 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND JMFC, BANTWAL, D.K. MANGALURU, ALLOWING THE IA.NO.II FILED UNDER ORDER 39 RULE 1 AND 2 AND

SECTION 151 OF CPC AND DISMISSING THE IA.NO.V FILED UNDER ORDER 39 RULE 3A AND 4 OF CPC.

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) List this matter before the District Court on 03.12.2026.

**Sd/-**
**(PRADEEP SINGH YERUR)**
**JUDGE**

RCK
List No.: 1 Sl No.: 26