HC-KAR

CNR: KAHC010507272025

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. 5676 OF 2025 (CPC)

BETWEEN:

SMT. PARVATHY
W/O. SRI GOVINDA D.
AGED ABOUT 60 YEARS
R/AT KATRIKOLLI
HALLIGATTU VILLAGE
PONNAMPET TALUK
KODAGU - 561 206.

...APPELLANT

(BY SRI MADHU R., ADVOCATE)

AND:

1. ALIRA K. UMMER
S/O. LATE ALIRA KUTIYALI
AGED ABOUT 57 YEARS
R/AT ARUVATHOKLU
VILLAGE AND POST
PONAMPET TALUK
KODAGU - 571 216.

2. A.A. ABDULLAH
S/O. AIMADHE
AGED ABOUT 55 YEARS.

3. A.A. UMMER
S/O. AIMADHE
AGED ABOUT 49 YEARS.

4. A.A. HASSAINAR
S/O. AIMADHE
AGED ABOUT 47 YEARS.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

RESPONDENTS
NO.2 TO 4 ALL ARE
R/AT KATRAKOLLI
HUDOOR VILLAGE
PONNAMPET TALUK
VIRAJPET, KODAGU - 561 206.

…RESPONDENTS

THIS MFA IS FILED UNDER SECTION 104 READ WITH ORDER XLIII RULE 1(R) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 08.12.2023 PASSED ON I.A.NO.VI IN O.S.NO.67/2022 BY THE SENIOR CIVIL JUDGE, VIRAJPET.

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.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 6