HC-KAR

NC: 2026:KHC:60144
MFA No. 5726 of 2025

CNR: KAHC010510642025

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. 5726 OF 2025 (CPC)

BETWEEN:

1. SRI. T.T. SRINIVAS,
   S/O SRI. THIMMARAYA SETTY,
   AGED ABOUT 73 YEARS

2. SMT. MANGALAGOWRAMMA,
   W/O SRI.T.T.SRINIVAS,
   AGED ABOUT 65 YEARS

   APPELLANTS NO.1 AND 2 ARE
   R/AT NO.78, RAJA BEEDHI,
   TAVAREKERE VILLAGE AND HOBLI,
   TAVAREKERE POST, MAGADI MAIN ROAD,
   BANGALORE SOUTH TALUK,
   BANGALORE - 562 130

3. SMT. T.S. TRIVENI,
   W/O SRI. MANJU SRI SHAYANA,
   D/O SRI. T.T. SRINIVAS,
   AGED ABOUT 44 YEARS,
   R/AT NO.50/3, MAGADI MAIN ROAD,
   NEAR ANJAN THEATRE,
   BANGALORE - 560 023

   PRESENTLY RESIDING AT THUNGANAGAR,
   HEROHALLI, BANGALORE - 560 091

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

4. SRI. T.S. ARUN KUMAR,
S/O SRI. T.T. SRINIVAS,
AGED ABOUT 39 YEARS,
R/AT NO.78, RAJA BEEDHI,
TAVAREKERE VILLAGE AND HOBLI,
TAVAREKERE POST, MAGADI MAIN ROAD,
BANGALORE SOUTH TALUK,
BANGALORE - 562 130

…APPELLANTS

(BY SRI. GURUVA REDDY N., ADVOCATE)

AND:

SMT. HAMSALAKSHMI,
D/O SRI.T.T. SRINIVAS,
W/O SRI. R. PRASHANTH,
AGED ABOUT 42 YEARS,
R/AT NO.15/1, 2ND CROSS,
SHANKARAPURAM,
BANGALORE - 560 004

…RESPONDENT

(BY SRI. SHANBHAG SANJEEVRAO SADANAND, ADVOCATE)

THIS MFA IS FILED U/O 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 04.06.2025 PASSED ON I.A.NO.5 IN OS.NO.369/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MAGADI, REJECTING THE I.A.NO.5 FILED UNDER ORDER 39 RULE 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) Learned counsel for appellants and learned counsel for the respondents are present. Hence, the parties shall appear before the learned District Judge on 07.12.2026 without awaiting further notice.

vi) As an interim order is granted by this Court, the same shall continue till disposal of the application before the District Court. No opinion is expressed by this Court.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 37