HC-KAR

NC: 2026:KHC:65242
MFA No. 6011 of 2024

CNR: KAHC010525982024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 6011 OF 2024 (CPC)

BETWEEN:

SMT. MUMTHAJ BEGUM
W/O LATE SYED MALLANG SAB
AGED ABOUT 80 YEARS,
R/AT NO. BELLEHALLI,
YELAHANKA HOBLI,
YELAHANKA TALUK
BENGALURU NORTH - 560 064.

...APPELLANT

(BY SRI. RAMESHA M.N, ADVOCATE)

AND:

1. SMT. SHAMSHED
   W/O LATE SYED ALI @ SYED SAB
   AGED ABOUT 64 YEARS,

2. SRI. SYED MAHABOOB PASHA
   S/O LATE SYED ALI @ SYED SAB
   AGED ABOUT 32 YEARS,

3. SMT. HASEENA TAJ
   D/O SYED ALI @ SYED SAB
   AGED ABOUT 30 YEARS,

   ALL ARE RESIDING BELLAHALLI VILLAGE,
   YELAHANKA HOBLI AND TALUK

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

BENGALURU NORTH - 560 064

4. SRI. NAFEESKHAN
S/O GHOUSE KHAN
AGE ABOUT 45 YEARS
R/AT NO.33, 5TH CROSS,
2ND MAIN, SOMESHWARANAGAR
JAYANAGAR 1ST BLOCK
BENGALURU - 560 011.

5. SRI. REHAN SHARIFF
S/O LATE ABDUL RAHEEM
AGE ABOUT 35 YEARS,
R/AT NO.1079/A, 1ST MAIN,
14TH CROSS RIGHT, UMER NAGAR,
NAGAWARA, BENGALURU - 560 045.

6. SRI. N. DEVARAJ
S/O NARAYANASWAMY,
AGE ABOUT 29 YEARS
R/AT NO.76/A,
DR. SHIVARAM KARANTH NAGAR,
THANISANDRA, BENGALURU - 560 077.

7. SRI. YUVARAJ
S/O N. GOPALA KRISHNA
AGED ABOUT 35 YEARS
R/AT NO. 186, 18TH CROSS,
1ST MAIN, NEAR KAVERY BAKERY,
AGRAHARA LAYOUT
BENGALURU - 560 064.

…RESPONDENTS

(BY SRI. MURTHY NAYAKA, ADVOCATE FOR R4 TO R7)

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 05.08.2024 PASSED ON I.A. IN OS.NO.896/2024 ON THE FILE OF THE VII ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, DISMISSING THE IA. FILED UNDER ORDER 39 RULE 1 AND 2 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 **17.12.2026.**

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NMS
List No.: 1 Sl No.: 6