HC-KAR

NC: 2026:KHC:65117
MFA No. 7892 of 2022

CNR: KAHC010538082022

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. 7892 OF 2022 (CPC)

BETWEEN:

SYED ATHAULLA
S/O H. SYED KHADAR SAB
AGED ABOUT 63 YEARS
AGRICULTURIST
R/O RML NAGARA
SHIVAMOGGA CITY - 577 201.

...APPELLANT

(BY SRI. P.N. HARISH, ADVOCATE)

AND:

1. HALESHAPPA
   S/O MALLESHAPPA
   AGED ABOUT 65 YEARS

2. RAMESH PATIL
   S/O SIDDESHAPPA
   AGED ABOUT 55 YEARS

3. CHANDRAPPA
   S/O SOMASHEKARAPPA
   AGED ABOUT 53 YEARS

4. RANGAPPA
   S/O BASAVANAPPA
   AGED ABOUT 50 YEARS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

5. RAJAPPA
S/O UJJANAPPA
AGED ABOUT 48 YEARS

RESPONDENTS 1 TO 5 ARE
AGRICULTURIST AND RESIDENTS OF
YADAWALA VILLAGE, HARANAHALLI HOBLI
SHIVAMOGGA TALUK - 577 201.

6. K.B. ASHOK NAYAK
AGED ABOUT 45 YEARS, MLA
SHIVAMOGGA RURAL CONSTITUENCY
R/O BASAVESHWARANAGARA
SHIVAMOGGA - 577 201.

…RESPONDENTS

(BY SRI. S.V. PRAKASH, ADVOCATE FOR R1 TO R4 AND R6)

THIS MFA IS FILED U/O.43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DT.13.10.2022 PASSED ON IA NO.1 IN O.S.NO.112/2022 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE, CJM, SHIVAMOGGA, REJECTING IA NO.1 FILED U/O.39 RULE 1 AND 2 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 **17.12.2026.**

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

NMS/List No.: 1 Sl No.: 20