HC-KAR
NC: 2026:KHC:60166
MFA No. 6396 of 2025
CNR: KAHC010566832025

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. 6396 OF 2025 (CPC)

BETWEEN:

G.K. SHIVANNA,
S/O LATE KARIGOWDA
AGED ABOUT 56 YEARS
R/AT NO.30, AMBALIPURA
VILLAGE, BELLANDUR GATE
SARJAPURA ROAD,
BENGALURU - 560 103

ALSO AT SOMANAHALLI VILLAGE
MADDUR TALUK
MANDYA DISTRICT - 571 428

...APPELLANT

(BY SRI. B.R. RAGHAVENDRA, ADVOCATE)

AND:

1. HOOR PASHA,
   S/O K MEMMOD MIYA
   AGED ABOUT 50 YEARS

2. AZEEZ MEHDI
   S/O K. MEMMOD MIYA
   AGED ABOUT 44 YEARS

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

BOTH ARE RESIDING AT
NO.1884, 7TH CROSS
ANWAR COLONY, OLD TOWN
BHADRAVATHI TOWN
SHIVAMOGGA DISTRICT - 577 302

…RESPONDENTS

THIS MFA IS FILED U/O.43 RULE 1(r) OF CPC, AGAINST THE ORDER DT.27.06.2025 PASSED ON IA NO.II IN O.S.NO.83/2025 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC,CHANNAPATNA, DISMISSING THE IA NO.II FILED U/O.39 RULE 4 R/W SEC.151 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 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK,List No.: 1 Sl No.: 13