HC-KAR

NC: 2026:KHC:59464
MFA No. 7444 of 2025

CNR: KAHC010654072025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**MISCELLANEOUS FIRST APPEAL NO. 7444 OF 2025 (CPC)**

**BETWEEN:**

1. MR. B. NARAYANA
   S/O. LATE M.B. BYRAPPA,
   AGED ABOUT 70 YEARS,
   R/AT. NO.116, MODERN HOUSING SOCIETY LAYOUT,
   BYADARAHALLI, MAGADI ROAD,
   BANGALORE.

2. DR. B. KUMAR
   S/O. LATE. M.B. BYRAPPA,
   AGED ABOUT 76 YEARS,
   R/AT. NO.1101, 17TH CROSS,
   24TH MAIN, BSK 2ND STAGE,
   BANGALORE - 560 070.

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3. MR. B. NATARAJU
   S/O. LATE. M.B. BYRAPPA,
   AGED ABOUT 74 YEARS,
   R/AT. NO. DOOR NO.225, 1ST MAIN,
   8TH CROSS, SRIRAMPURA,
   2ND STAGE, MYSURU.

4. MR. B. VASU
   S/O LATE M B BYRAPPA
   AGED ABOUT 68 YEARS,
   R/AT. NO.66, CFTRI LAYOUT,

4TH MAIN, BOGADI 2ND STAGE,
MYSURU - 570 008.

5. MR. B. SURYAKUMAR
S/O LATE M B BYRAPPA,
AGED ABOUT 66 YEARS,
R/AT. NO.53, 1ST STAGE,
6TH CROSS, GOKULAM,
MYSURU CITY - 570 002.

6. MR. B. NAGARATHNA
D/O. LATE. M.B. BYRAPPA,
AGED ABOUT 78 YEARS,
R/AT. NO. 761,, 11TH CROSS,
GOKULAM 3RD STAGE,
MYSURU - 570 002.

7. MR. S.R. MAHESH
S/O. MR. RAMEGOWDA,
AGED ABOUT 58 YEARS,
R/AT. NO.299, "ANUGRAHA",
D. SUBBAIAH ROAD,
MYSURU CITY - 570 004.

8. MR. SHIVARAMU
S/O. MR. HELAVEGOWDA,
AGED ABOUT 61 YEARS,
R/AT. 8TH MAIN, A1 BLOCK,
3RD STAGE, VIJAYNAGAR,
MYSURU CITY - 570 030.

...APPELLANTS

(BY SRI. GANAPATHI BHAT, ADVOCATE)

**AND:**

1. MRS.MAHADEVAMMA
   D/O. LATE THAMBADI ERRAYYA,
   W/O. LATE SIDDAPPA,
   AGED ABOUT 86 YEARS,
   R/AT BABY VILLAGE, KANIVEKOPPALU POST,
   PANDAVAPURA TALUK, MANDYA DISTRICT - 571 455.

2. MRS. NEELAMMA
   D/O. LATE. THAMBADI ERRAYYA,
   W/O. LATE NANJAPPA,
   AGED ABOUT 84 YEARS,
   R/AT. BASAVATTIGE VILLAGE,
   DODDAKAVALANDE HOBLI,
   NANJUNGUDU TALUK,
   MYSURU DISTRICT - 571 312.

3. MR. KUSANNA
   S/O. LATE MADAPPA,
   AGED ABOUT 48 YEARS,
   R/AT. YADDAHALLI VILLAGE,
   JAYAPURA HOBLI, MYSURU TALUK,
   MYSURU DISTRICT - 571 101.

4. MRS. MAHADEVAMMA
   D/O. LATE. MADAPPA,
   AGED ABOUT 49 YEARS,
   R/AT. YADDAHALLI VILLAGE,
   JAYAPURA HOBLI, MYSURU TALUK,
   MYSURU DISTRICT - 571 101.

5. MRS. MAHADEVAMMA
   W/O. LATE. BASAPPA,
   AGED ABOUT 80 YEARS,

R/AT. KOTEHUNDI VILLAGE,
KASABA HOBLI, MYSURU TALUK,
MYSURU DISTRICT - 570 008.

6. MR. VEERABADRAPPA
S/O. LATE. BASAPPA,
AGED ABOUT 56 YEARS,
R/AT KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

7. MR. VEERAPPA
S/O. LATE. BASAPPA,
AGED ABOUT 54 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

8. SRI. KUMARASWAMY
S/O. LATE BASAPPA,
AGED ABOUT 52 YEARS,
R/AT. KOTEHUNDI VILLAGE,
KASABA HOBLI, MYSURU TALUK,
MYSURU DISTRICT - 570 008.

9. MRS. RAJAMANI
D/O. LATE BASAPPA,
AGED ABOUT 60 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT - 570 008.

10. MRS. RATHNAMMA
D/O. LATE. BASAPPA,
AGED ABOUT 62 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

11. MRS. VASANTHA
D/O. LATE. BASAPPA,
AGED ABOUT 43 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

12. MRS. SUNITHA
D/O. LATE BASAPPA,
AGED ABOUT 40 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

13. MR. BASAVANNA
S/O. LATE. BASAPPA,
AGED ABOUT 46 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT - 570 008.

14. MRS. SUSHEELA
D/O. LATE SHIVANNA
AGED ABOUT 56 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

15. MR. MALLAPPA S.
S/O. LATE. SHIVANNA,
AGED ABOUT 42 YEARS,
R/AT. KOTEHUNDI VILLAGE, KASABA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

16. MR. MAHADEVAPPA
S/O. LATE. MAHADEVAPPA,
AGED ABOUT 60 YEARS,
R/AT. YADDAHALLI VILLAGE, JAYAPURA HOBLI,
MYSURU TALUK, MYSURU DISTRICT - 571 130.

17. MR. DODDAKUSANNA
S/O. LATE. MAHADEVAPPA,
AGED ABOUT 58 YEARS,
R/AT. YADDAHALLI VILLAGE, JAYAPURA HOBLI,
MYSURU TALUK, MYSURU DISTRICT - 571 130.

18. MR. CHIKKAKUSANNA
S/O. LATE MAHADEVAPPA,
AGED ABOUT 56 YEARS,
R/AT. YADDAHALLI VILLAGE, JAYAPURA HOBLI,
MYSURU TALUK, MYSURU DISTRICT.

19. THE COMMISSIONER
WATER SUPPLY AND DRAINAGE BOARD,
MYSURU CITY CORPORATION, MYSURU.

20. THE ASSISTANT COMMISSIONER
MYSURU TALUK, MYSURU - 570 001.

…RESPONDENTS

(BY SRI. SANJAY YADAV, AGA FOR R20

R3, R5 TO R13, R15 TO R18 ARE SERVED & UNREPRESENTED)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 12.08.2025 PASSED ON I.A.NO. II AND III IN O.S.NO. 84/2025 ON THE FILE OF THE VII ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C.MYSURU, ALLOWING IA NO. II FILED U/O.39 RULE 1 AND 2 READ WITH SECTION 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.

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.: 7