HC-KAR

NC: 2026:KHC:59466
MFA No. 7715 of 2025

CNR: KAHC010673982025

**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. 7715 OF 2025 (CPC)**

**BETWEEN:**

MR. SHIVAPPA GOWDA,
AGED ABOUT 73 YEARS,
S/O.LATE VENKAPPA GOWDA,
R/AT BAJILA HOUSE,
KOYYUR VILLAGE AND POST,
BELTHANGADY TALUK - 574 214.

...APPELLANT

(BY SRI. SACHIN B.S., ADVOCATE)

**AND:**

1. SMT. JANAKI
AGED ABOUT 69 YEARS,
W/O. ANNU GOWDA,
R/AT BAJILA HOUSE,
KOYYUR VILLAGE AND POST,
BELTHANGADY TALUK - 574 214.

2. LALITHA
AGED ABOUT 43 YEARS,
W/O. SATHISHA,
R/AT NADALE HOUSE, BANDARU VILLAGE,
BELTHANGADY TALUK - 574 214.

3. SHEKARA
AGED ABOUT 54 YEARS,

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S/O. ANNU GOWDA,
R/AT BAJILA HOUSE, KOYYUR VILLAGE AND POST,
BELTHANGADY TALUK - 574 214.

4. MEENAKSHI
AGED ABOUT 47 YEARS,
W/O. DEEKAYYA GOWDA,
R/AT DEMBUGA HOUSE, KOYYUR VILLAGE,
BELTHANGADY TALUK - 574 214.

5. REVATHI
AGED ABOUT 47 YEARS,
W/O. NARAYANA,
ARANEMARU HOUSE, BELALU VILLAGE,
BELTHANGADY TALUK - 574 214.

6. VARIJA,
AGED ABOUT 45 YEARS,
W/O. PADMANABHA,
R/AT SALANGURI HOUSE, KAVALAKATTE VILLAGE,
BANTWALA TALUK - 574 265.

7. KANTHAPPA GOWDA,
AGED ABOUT 74 YEARS,

8. MONAPPA GOWDA
AGED ABOUT 67 YEARS,

RESPONDENTS NO.7 AND 8 ARE CHILDREN OF
LATE MONTA GOWDA
R/AT BAJILA HOUSE,
KOYYUR VILLAGE AND POST,
BELTHANGADY TALUK - 574 214.

…RESPONDENTS

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 08.09.2025 PASSED ON IA NO.5 IN O.S.NO.34/2023 ON THE FILE OF THE PRL SENIOR CIVIL JUDGE AND JMFC BELTHANGADY, D.K., REJECTING THE IA.NO.5 FILED U/O.39 RULE 1 AND 2 R/W SEC.151 OF CPC, 1908.

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