HC-KAR

NC: 2026:KHC:61840
MFA No. 7728 of 2025

CNR: KAHC010674052025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 7728 OF 2025 (CPC)

BETWEEN:

SMT. THIMMAKKA
D/O LATE T MUNIYAPPA,
AGED ABOUT 57 YEARS,
HULIBANDI VILLAGE,
SULIGUNTA POST,
ANCHATTI TALUK,
TAMILNADU - 635 117.

...APPELLANT

(BY SRI. GANESHA P., ADVOCATE)

AND:

1. SRI BALACHANDRA
S/O LATE T MUNIYAPPA,
AGED ABOUT 55 YEARS,
R/AT S BINGIPURA VILLAGE,
JIGANI HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT - 560 105.

2. SRI ANJANAPPA
S/O LATE T MUNIYAPPA,
AGED ABOUT 50 YEARS,
R/AT HARAPANAHALLI VILLAGE,
NEAR MILK DAIRY,
OPPOSITE JIGANI HOBLI,

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

ANEKAL TALUK,
BENGALURU DISTRICT - 560 105

3. SRI ELDHO V V
S/O N P VARGHESE,
AGED ABOUT 50 YEARS,
R/AT NO.1, VOKKATTI VILLAGE,
BINGIPURA VILLAGE, JIGANI HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT - 560 105.

4. SRI A M JOSHY JOSE
S/O A M JOSEPH,
AGED ABOUT 49 YEARS,
R/AT NO.4, 14TH MAIN,
BEGUR ROAD, NEAR HOLY,
FAMILY CHURCH, HONGAANDRA,
BENGALURU - 560 144.

5. SRI ANEESH S
S/O SUKUMARA PILLAI K.,
AGED ABOUT 43 YEARS.
R/AT NO. T1, ITTINA SARVA APARTMENT 2,
BEGUR HOBLI, HONGASANDRA,
BENGALURU - 560 068.

6. SMT KAVYA KURUP V.
W/O ANEESH S.,
AGED ABOUT 40 YEARS.
R/AT NO. T1, ITTINA SARVA APARTMENT 2,
BEGUR HOBLI, HONGASANDRA,
BENGALURU - 560 068.

…RESPONDENTS

(BY SRI. SIDDAGANGAIAH S., ADVOCATE FOR R1, R3 AND R4)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 16.08.2025 PASSED ON IA.NO. 1 IN OS.NO.1662/2024 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ANEKAL, DISMISSING THE IA.NO. 1 FILED UNDER ORDER 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 07.12.2026.

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

RCK, List No.: 1 Sl No.: 21