HC-KAR

NC: 2026:KHC:59465
MFA No. 7940 of 2025

CNR: KAHC010694892025

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. 7940 OF 2025 (CPC)

BETWEEN:

SRI VISHWANATHA GOWDA
S/O. DHARNAPPA GOWDA,
AGED ABOUT 40 YEARS
R/AT. HIMARADDA HOUSE,
INDABETTU VILLAGE,
BANGADY POST,
BELTHANGADY TALUK,
DAKSHINA KANNADA DIST - 574 214

...APPELLANT

(BY SRI. PRASAD K.S., ADVOCATE)

AND:

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

1. SMT LEELAVATHI
W/O. LATE. JANARDHAN GOWDA,
AGED ABOUT 43 YEARS,
R/AT. KUDUPARU HOUSE,
KALENJA VILLAGE, KAYARTHADKA
BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT - 574 216

2. DEEPA @ NALINAKSHI,
D/O. LATE. JANARADHANA GOWDA,
AGED ABOUT 21 YEARS,
R/AT. KUDUPARU HOUSE,
KALENJA VILLAGE,

KAYARTHADKA BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT
PIN CODE - 574 216

3. SRI. DHARNAPPA GOWDA,
S/O. LAXMANA GOWDA,
AGED ABOUT 76 YEARS
R/AT. KANTHANOTTU HOUSE,
MITTHABAGILU VILLAGE AND POST,
BELTHANGADY TALUK, D.K.
DAKSHINA KANNADA DISTRICT
PIN CODE - 574 214

4. SMT. BOMMI,
W/O. DHARNAPPA GOWDA,
AGED ABOUT 70 YEARS
R/AT. KANTHANOTTU HOUSE,
MITTHABAGILU VILLAGE AND POST,
BELTHANGADY TALUK
DAKSHINA KANNADA DIST
PIN CODE-574 214

5. SMT. VASANTHI
D/O. DHARNAPPA GOWDA,
W/O. HARISH GOWDA,
AGED ABOUT 50 YEARS
R/AT. KUDUKUNJA HOUSE,
SARAPPADI VILLAGE BANTWAL TALUK,
DAKSHINA KANNADA DISTRICT
PIN CODE -574 211

6. SRI. K. DINESH GOWDA
S/O. DHARNAPPA GOWDA,
AGED ABOUT 49 YEARS
R/AT. KANTHANOTTU HOUSE, MITTHABAGILU
VILLAGE AND POST, BELTHANGADY TALUK,

DAKSHINA KANNADA DISTRICT
PIN CODE-574 214

7. SRI. LOKANATHA
S/O. DHARNAPPA GOWDA,
AGED ABOUT 46 YEARS
R/AT. NADUBAILU HOUSE,
INDABETTU VILLAGE, BANGADY POST,
BELTHANGADY TALUK,
DAKSHINA KANNADA DIST-574 214
PIN CODE 574 214

8. GEETHA,
D/O. DHARNAPPA GOWDA,
AGED ABOUT 34 YEARS
R/AT. ALNATA HOUSE,
KONAJE VILLAGE, KADABA TALUK, DAKSHINA KANNADA DISTRICT
PIN CODE -574 199

9. SRI. KESHAVA,
S/O. DHARNAPPA GOWDA,
AGED ABOUT 33 YEARS
R/AT. KANTHANOTTU HOUSE,
MITTHABAGILU VILLAGE, KILLUR POST,
BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT- 574314

…RESPONDENTS

R1 AND R2 ARE SERVED AND UNREPRESENTED

V/O DATED 10.02.2026, NOTICE TO R3 TO R9 IS D/W

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 16.09.2025 PASSED ON IA NO. 1/2025 IN O.S.NO.43/2025 ON THE FILE OF THE PRL. SENIOR

CIVIL JUDGE AND JMFC, BELTHANGADY D.K. DISTRICT, ALLOWING THE IA.NO. 1 FILED U/O.39 RULE 1 AND 2 R/W SEC.151 OF CPC, 1908.

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 30.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 39