CNR: KAHC010709772024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 7990 OF 2024 (CPC)

BETWEEN:

1. SMT. LOURDU MARY
   D/O LATE CHINNASWAMY,
   W/O SANDYAGAPPA,
   AGED ABOUT 73 YEARS,
   R/AT SOLLEPURAM VILLAGE,
   SAARAKPALLI HOBLI,
   DENKANIKOTE TALUK,
   KRISHNAGIRI DISTRICT,
   TAMILNADU STATE.

2. SMT. AGNESAMMA
   D/O LATE CHINNASWAMY,
   W/O LATE BERNAS,
   AGED ABOUT 66 YEARS,
   R/AT MYLASNADRA DINNE,
   VADDARAPALYA, BEGUR HOBLI,
   BENGALURU SOUTH TALUK.

3. SMT. CELINE MARY P
   D/O LATE AROGYAMARY,
   AGED ABOUT 45 YEARS,

4. SRI VIJAYKUMAR P
   S/O LATE AROGYAMARY,
   AGED ABOUT 41 YEARS,

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5. SRI ANIL KUMAR P
S/O LATE AROGYAMARY,
AGED ABOUT 36 YEARS,

SL. NO.3 TO 5 ARE R/AT 338,
DANDUBEEDI (JOGBEEDI)
BEGUR VILLAGE AND HOBALI.

6. SRI MADALASI MUTHU
S/O BELAVENDRAN @ PILAVENDRAN,
AGED ABOUT 30 YEARS,

7. SMT. ANNIYAMMA
D/O LATE CHINNASWAMY,
W/O ANTHONY,
AGED ABOUT 52 YEARS,
R/AT SOLLEPURAM VILLAGE,
SAARAKPALLI HOBALI,
DENKANIKOTE TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU STATE.

8. SMT. SAGAYA MARY
D/O LATE CHINNASWAMY,
AGED ABOUT 55 YEARS,
R/AT NO. 29/1, THINNUR,
RAJAJINAGAR, DENKANIKOTE ROAD,
HOSUR - 635 109

...APPELLANTS

(BY SRI. SRINIVASA, ADVOCATE)

AND:

1. SRI.ANTHONY SWAMY
S/O LATE CHINNASWAMY,
AGED ABOUT 59 YEARS,

2. SMT JAYAMARY
W/O SRI ANTHONYSWAMY,
AGED ABOUT 55 YEARS,

3. PRAJWAL
S/O SRI ANTHONYSWAMY,
AGED ABOUT 37 YEARS,

4. AUGUSTIN AROGYANATHA
S/O SRI ANTHONYSWAMY,
AGED ABOUT 35 YEARS,

5. PRATAP JOEL
S/O SRI ANTHONYSWAMY,
AGED ABOUT 35 YEARS,

6. DEEPA PRIYA
D/O SRI ANTHONYSWAMY,
AGED ABOUT 30 YEARS,
DEFENDANTS NO.1 TO 6 ARE
R/AT MYLASANDRA VILLAGE,
BEGUR HOBALI,
BENGALURU SOUTH TALUK.

7. SMT. IGENSAMMA
W/O LATE CHINNAPPA,
AGED ABOUT 75 YEARS,

8. SRI DAVID KUMAR
S/O LATE CHINNAPPA,
AGED ABOUT 52 YEARS,

9. SRI ANTHONY SAMUEL
S/O LATE CHINNAPPA,
AGED ABOUT 37 YEARS,

RESPONDENTS NO.7 TO 9 ARE
R/AT BAALAYESU BEEDI,
MYLASANDRA VILLAGE,
BEGUR HOBLI,
BENGALURU SOUTH TALUK.

10. SMT. AGNESAMMA
W/O LATE JOJAPPA,
AGED ABOUT 75 YEARS,

11. MISS JESINTA
D/O LATE JOJAPPA,
AGED ABOUT 55 YEARS,

12. SMT. CHINNAMMA
D/O LATE JOJAPPA,
AGED ABOUT 55 YEARS,

13. SMT. PUSHPA
D/O LATE JOJAPPA,
AGED ABOUT 51 YEARS,

14. SMT. IGNESAMMA
D/O LATE JOJAPPA,
AGED ABOUT 47 YEARS,

15. SRI AROGYASWAMY
S/O LATE JOJAPPA,
AGED ABOUT 45 YEARS,

16. SMT. SHANTHAMMA
D/O LATE JOJAPPA,
AGED ABOUT 42 YEARS,

17. SRI ANTHONAPPA
S/O LATE JOJAPPA,
AGED ABOUT 40 YEARS,

18. SRI JOHN
S/O LATE JOJAPPA,
AGED ABOUT 35 YEARS,
SL.NO.10 AND 18 ARE
R/AT ANTHONIYAVARA BEEDI,
MYLASANDRA VILLAGE,
BEGUR HOBALI,
BENGALURU SOUTH TALUK.

19. SRI PHILIP
S/O LATE JEEVANAPPA,
AGED ABOUT 75 YEARS,
R/AT DAASARAPALLI,
THALI KOTHNUR,
DENKANIKOTE DISTRICT,
TAMILNADU STATE.

20. SMT. BALAMMA
D/O LATE JEEVANAPPA,
AGED ABOUT 67 YEARS,
R/AT CHURCH BEEDI,
BEGUR VILLAGE AND HOBALI,
BENGALURU SOUTH TALUK.

21. SMT. CHOWRAMMA
W/O LATE ANNIMARIYAPPA,
AGED ABOUT 77 YEARS,

22. SRI ANTHONYRAJ
S/O LATE ANNIMARIYAPPA,
AGED ABOUT 55 YEARS,

R/AT GAYATHRI LAYOUT,
VADDARAPALYA VILLAGE,
MYLASANDRA DINNE,
BEGUR HOBLI,
BENGALURU SOUTH TALUK.

23. SMT. KANIKYA MARY
D/O LATE ANNIMARIYAPPA,
AGED ABOUT 51 YEARS,
R/AT AROGYAMATHE BEEDI,
MYLASANDRA VILLAGE,
BEGUR HOBLI,
BENGALURU SOUTH TALUK.

24. SMT. AROGYA MARY
D/O LATE ANNIMARIYAPPA,
AGED ABOUT 49 YEARS,
R/AT MESTRIPALYA,
MYLASANDRA VILLAGE,
BEGUR HOBALI,
BENGALURU SOUTH TALUK.

25. SRI SANDYAGAPPA
S/O LATE ANNIMARIYAPPA,
AGED ABOUT 45 YEARS,
R/AT BAALAYESU BEEDI,
MYLASANDRA VILLAGE,
BEGUR HOBLI,
BENGALURU SOUTH TALUK.

26. SMT. DECOSTIN MARY
D/O LATE ANNIMARIYAPPA,
AGED ABOUT 45 YEARS,
R/AT IGNESIYUS BEEDI,
NEAR WATER TANK,

MYLASANDRA DINNE,
BEGUR HOBALI,
BENGALURU SOUTH TALUK.

27. SRI JOHN
S/O LATE LOURDU MARY,
AGED ABOUT 47 YEARS,

28. SRI CHINNAPPA
S/O LATE LOURDU MARY,
AGED ABOUT 46 YEARS,

29. SMT. JAISHEELA
D/O LATE LOURDU MARY,
AGED ABOUT 45 YEARS,
R/AT BAALA YESU BEEDI,
NEAR MYLASANDRA SAMADI,
MYLASANDRA VILLAGE,
BEGUR HOBALI,
BENGALURU SOUTH TALUK.

30. SMT. TERESAMMA
D/O LATE ANTHONYSWAMY
AGED ABOUT 61 YEARS
R/AT IGENESIYUS BEEDI
MYLASANDRA VILLAGE
BEGLUR HOBLI
BENGALURU SOUTH TALUK

31. SRI AROGYASWAMY
S/O LATE BENJAMIN
AGED ABOUT 34 YEARS

32. SMT. MARTINA
D/O LATE BENJAMIN
AGED ABOUT 31 YEARS

SL.NOS. 30 AND 31 ARE
R/AT NEAR WATER TANK
MYLASANDRA DINNE
VADDARAPALYA, BEGUR HOBALI
BENGALURU SOUTH TALUK

33. SMT. SHANTHA KUMARI
W/O LATE MOSES
AGED ABOUT 47 YEARS

34. SRI LOURDU SWAMY
S/O LATE MOSES
AGED ABOUT 27 YEARS

35. MISS SINDHYA
D/O LATE MOSES
AGED ABOUT 25 YEARS

36. SMT ANNIYAMMA
D/O LATE ANTHONYSWAMY
AGED ABOUT 55 YEARS
R/AT DANDU BEEDI
BEGUR VILLAGE AND HOBLI
BENGALURU SOUTH TALUK

37. SMT ANTHONAMMA
D/O LATE ANTHONYSWAMY
AGED ABOUT 49 YEARS
R/AT SOLLEPURAM VILLAGE
SAARAKPALLI HOBLI
DENKANIKOTE TALUK
KRISHNAGIRI DISTRICT
TAMILNADU STATE

38. SMT. AROYGYASWAMY
D/O LATE ANTHONYSWAMY
AGED ABOUT 45 YEARS
RA/T AROGYAMATHE BEEDI
MYLASANDRA VILLAGE
BEGUR HOBLI
BENGALURU SOUTH TALUK

39. SMT. JAYMARY
W/O LATE BALARAJ
AGED ABOUT 45 YEARS

40. MISS ANUSHA
D/O LATE BALARAJ
AGED ABOUT 25 YEARS

41. AVINJOY
S/O LATE BALARAJ
AGED ABOUT 21 YEARS

42. SMT PUSHPA @ PUSHPAKALA
W/O LUCAS
(D/O CHINNAPPA)
AGED ABOUT 47 YEARS

43. SMT LOURDU MARY
W/O LATE CHINNAPPA
AGED ABOUT 67 YEARS

44. SMT CHANDRAKALA
D/O LT CHINNAPPA
W/O ANTONY RAJ
AGED 47 YEARS

45. SRI. ANTHONI RAJ
S/O. LATE CHINNAPA
AGED ABOUT 44 YEARS

46. SRI BAKTHINATH
S/O LATE CHINNAPPA
AGED ABOUT 41 YEARS
R/AT MYLASANDDRA VILLAGE
BEGURU HOBALI
BENGALURU SOUTH TALUK

47. SRI A K ABDUL AZEEZ
S/O KADER
AGED ABOUT 61 YEARS
LUBBAY MASJID STREET
SHIVAJINAGAR
BENGALURU - 560 001

48. SRI PRAVEENKUMAR REPELLE
S/O LATE R L PRABHAKAR
AGED ABOUT 46 YEARS
R/AT NO.A-102
SRI SAI SUPREME APARTMENTS
DODDAKAMAMNAHALLI LINK ROAD
GOTTIGERE, BEGNALURU - 560 083

49. SRI PRAVEEN KUMAR SHETTY
S/O LATE VITTAL SHETTY
AGEDABOUT 47 YEARS
R/AT NO 304, 3RD FLOOR
SUNDER MANOR
3RD MAIN, KAVAL BYRASANDRA
R T NAGAR POST
BENGALURU - 560 032

50. SRI SHAMEER MAULLPURAM
S/O V C MOOSSA
AGED ABOUT 47 YEARS
R/AT NO 41, 9TH MAILE
KUDLU GATE, GARVEBHAVIPALYA
HOSUR ROAD
BENGALURU - 560 100

51. SRI M A ASHOK KUMAR
S/O M S ANAND
AGED ABOUT 57 YEARS
R/AT DAVATHA ENTERPRISES
LBF ROAD
BENGALURU - 560 027

52. SRI MAHABOOB PASHA
S/O ABDUL GAFFUR
AGED ABOUT 59 YEARS
R./AT NO.80, 27TH CROSS
SWAGATH MAIN ROAD
THILAKNAGAR
BENGALURU - 560 041

53. SRI FRANCIS
S/O LATE CHKKAMARIYAPPA
AGED ABOUT 56 YEARS
R/AT MYLASANDRA VILALGE
BEGURU HOBALI
BENGALURU SOUTH TALUK

54. SRI AFROZ
S/O LATE PEERSAB
AGED ABOUT 43 YEARS

R/AT NO 80, 27TH CROSS
SWAGATH MAIN ROAD
THIILAK NAGAR
BENGALURU - 560 041

…RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 28.05.2024 PASSED ON I.A. NO.1 IN O.S.NO. 382/2021 ON THE FILE OF THE VII ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, BENGALURU RURAL DISTRICT, BENGALURU, DISMISSING THE I.A. FILED UNDER ORDER XXXIX RULE 1 AND 2 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 02.11.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 8