HC-KAR

NC: 2026:KHC:61188
MFA No. 8243 of 2024

CNR: KAHC010711842024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 8243 OF 2024 (CPC)

BETWEEN:

1. SMT. ROSHAN BANU
   W/O AYUB ALI
   HOSAHALLY VILLAGE
   BICCODU HOBLI, BELUR TALUK
   HASSAN DISTSRICT

2. SMT. TASNEEM BANU
   W/O. MOHAMMAD KABEER
   PUMP HOUSE ROAD BELUR
   HASSAN DISTRICT - 573 115

3. MUZAHIDA BEGUM
   MOHAMMAD SHARIFF
   AGED ABOUT 50 YEARS
   UPPALLY VILLAGE
   CHIKKAMAGALUR CITY - 577 101

4. SRI. N G ZAKIR HUSSAIN
   GULZAR AHAMED
   NAGAENAHALLY VILLAGE
   AREHALLY HOBLI, BELUR TALUK
   HASSAN DISTRICT - 573 101

...APPELLANTS

(BY SRI. JWALA KUMAR, ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI ASLAM PASHA
   S/O. GULZAR AHAMED
   AGED ABOUT 46 YEARS

2. NAHIDAYASMIN
   W/O. ASLAM PASHA
   AGED ABOUT 41 YEARS

3. AMEER SUHEL
   S/O. ASLAM PASHA
   AGED ABOUT 24 YEARS

   RESPONDENTS NO.1 TO 3 ARE
   R/AT NAGENAHALLY VILLAGE
   AREHALLY HOBLI BELUR TALUK
   HASSAN DISTRICT - 573 101

4. P ASHARANI
   W/O. KRISHNEGOWDA
   AGED ABOUT 61 YEARS
   SPOORTHI NILAYA GANDHI NAGARA
   CHIKKAMAGALURU - 577 101

…RESPONDENTS

(BY SMT. PARVATHY R. NAIR, ADVOCATE FOR C/R1)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT. 14.10.2024 PASSED ON IA NO. 2 IN O.S.NO.85/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, BELUR, REJECTING IA NO.2 FILED U/O.39 RULE 1 AND 2 OF CPC.

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 03.12.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 28