HC-KAR

NC: 2026:KHC:63829
MFA No. 8705 of 2024

CNR: KAHC010756592024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 8705 OF 2024 (CPC)

BETWEEN:

KRUPA
AGED ABOUT 42 YEARS,
W/O LATE S B SADANANDA,
R/AT NO. FLAT NO.A2, 207,
KANAKAPURA ROAD, DODDAKALLASANDRA,
BENGALURU - 560 062

EARLIER AT NO.30, MADLU, 10TH CROSS
11TH MAIN, ASHAKIRAN COMPOUND
JNANABHARATHI LAYOUT, KENGERI
OPPOSITE BERIYZ SCHOOL
BENGALURU - 560 059

...APPELLANT

(BY SRI. NARAYANAN M.R., ADVOCATE)

AND:

RATHNAMMA SINCE DECEASED
REPRESENTED BY HER LRS

1. SRI DR S B CHIDANANDA,
S/O LATE S G BALACHANDRAPPA,
AGED ABOUT 57 YEARS,
RESIDING AT NO. 159, PENSION MOHALLA,
SHIVAMOGGA.

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

2. SMT SUJATHA
W/O RAMESH KUMAR,
D/O LATE S G BALACHANDRAPPA,
AGED ABOUT 60 YEARS,
R/O NO. 11928, VIJAYANAGARA,
4TH STAGE, 2ND PHASE,
MYSORE - 570 018.

…RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 07.11.2024 PASSED ON I.A. NO.4 AND 2 IN O.S.NO.42/2024 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, AND JMFC, BHADRAVATHI, DISMISSING THE I.A. NO.4 FILED UNDER ORDER XXXIX RULE 4 READ WITH SECTION 151 OF CPC, ALLOWING IA NO 2 FILED UNDER ORDER XXXIX RULE 1 AND 2 READ WITH 151 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 14.12.2026.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 35