



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS FIRST APPEAL NO.1263 OF 2026 (CPC)

BETWEEN:

1. SRI H N SURESH KUMAR
SON OF H.P NAGAPPA,
AGED ABOUT 54 YEARS,
RESIDING AT NO. 1806,
'SUMUKHA', 24TH MAIN ROAD,
25TH 'B' CROSS, SECTOR 2,
HSR LAYOUT, BENGALURU-560 102.
2. SRI. P. ASHOK KUMAR,
PARTNER
HITISHAA DEVELOPERS,
NO. 70, PREM CHAMBERS,
2ND FLOOR, KORAMANGALA,
INDUSTRIAL AREA,
NEAR JYOTHI NIVAS COLLEGE,
BENGALURU-560 034.
(SINCE V SRINIVAS REDDY IS DECEASED)

...APPELLANTS

(BY SMT. HEENA S.A., ADVOCATE FOR
SRI. SHAIK ISMAIL ZABIULLA, ADVOCATE)

AND:

1. SRI MADAPPA
SON OF LATE DODDA SIDDAPPA,
AGED ABOUT 85 YEARS,
REPRESENTED BY HIS GPA HOLDER
SMT. USHA, W/O MADAPPA,





2. SMT. USHA,
W/O SRI MADAPPA,
AGED ABOUT 65 YEARS,
3. SRI. NAGARAJU,
SON OF SRI. MADAPPA
AGED ABOUT 41 YEARS,
4. SMT. NAGARATHNA,
D/O SRI. MADAPPA,
AGED ABOUT 67 YEARS,
5. SRI. GIRISH,
S/O SRI. MADAPPA,
AGED ABOUT 35 YEARS,
6. SRI. VISHWANATH,
S/O SRI. MADAPPA,
AGED ABOUT 30 YEARS,
REPRESENTED BY NATURAL GUARDIAN FRIEND,
FATHER SRI. MADAPPA SINCE
SRI. VISWANATH MENTALLY RETARDED PERSON.

RESPONDENTS NO.1 TO 6 ARE
RESIDING AT HOUSE IN SY. NO.13,
NOSENUR VILLAGE, JIGANI HOBLI,
BENGALURU RURAL DISTRICT-562 106.

...RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
ORDER 43 RULE 1(a) OF THE CODE OF CIVIL PROCEDURE.

THIS MISCELLANEOUS FIRST APPEAL IS LISTED FOR
ORDERS, THIS DAY, THE JUDGMENT IS DELIVERED AS UNDER:



ORAL JUDGMENT

Smt.Heena S.A., counsel on behalf of Sri.Shaik Ismail Zabiulla for the appellants appeared in person.

2. The office has raised objection regarding maintainability of the appeal.

3. The appellants have questioned the order dated 22.11.2025 passed by the Trial Court on I.A.No.5 in O.S.No.1441/2024, wherein the Trial Court has rejected the application filed by the defendant under Order VII Rule 11(d) of the Code of Civil Procedure. As against the impugned order, Civil Revision Petition is maintainable and not an appeal under Order XLII of Code of Civil Procedure. Hence, the office objection is sustained. The appeal is not maintainable. However, liberty is accorded to the appellants to take recourse under law to challenge the impugned order, if so advised.

Resultantly, the appeal is disposed of.

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 27