



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 25<sup>TH</sup> DAY OF FEBRUARY, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR**  
**CIVIL PETITION NO.100185 OF 2025**

**BETWEEN:**

SHRI NEELANAGOUDA S/O. SIDDANAGOUDA MALIPATIL,  
SINCE DEAD BY HIS LRS.

1. SMT. INDIRABAI W/O. NEELANAGOUDA MALIPATIL,  
AGE: 54 YEARS, OCC: HOUSEHOLD,  
R/O. KALAKERI VILLAGE, PIN-582118,  
TQ. MUNDARGI, DIST. GADAG.
2. SHRI ISHWARGOUDA S/O. NEELANAGOUDA MALIPATIL,  
AGE: 31 YEARS, OCC: AGRICULTURIST,  
R/O. KALAKERI VILLAGE, PIN-582118,  
TQ. MUNDARGI, DIST. GADAG.
3. SHRI PRAVEENGOUDA S/O. NEELANAGOUDA MALIPATIL,  
AGE: 28 YEARS, OCC: PRIVATE JOB,  
R/O. KALAKERI VILLAGE, PIN-582118,  
TQ. MUNDARGI, DIST. GADAG.

...PETITIONERS

(BY SRI M. R. HIEMATH AND  
SRI JAYAVANTH KAMBALI, ADVOCATES)

**AND:**

SHRI NAGAPPA S/O. HUCHCHAPPA HEGGANAGOUDRA,  
SINCE DEAD BY HIS LR'S.

1. SHRI NINGAPPA S/O. NAGAPPA HEGGANAGOUDRA,  
AGE: 46 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN-583228, TQ. DIST. KOPPAL.
2. SHRI CHIDANANDAPPA  
S/O. NAGAPPA HEGGANAGOUDRA,  
AGE: 43 YEARS, OCC: AGRICULTURE,





R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.

3. DEVAPPA S/O. HUCHCHAPPA HEGGANAGAUDRA,  
AGE: 64 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.
4. BASAPPA S/O. HUCHCHAPPA HEGGANAGAUDRA,  
AGE: 59 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.
5. VASAPPA S/O. HUCHCHAPPA HEGGANAGAUDRA,  
AGE: 39 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.
6. SRI HAMAGESHI S/O. HUCHCHAPPA HEGGANAGAUDRA,  
AGE: 36 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.
7. PARAVVA W/O. HANAMAPPA HEGGANAGAUDRA,  
AGE: 39 YEARS, OCC: AGRICULTURE,  
R/O. VADAGANAHAL VILLAGE,  
PIN 583228, TQ. DIST. KOPPAL.
8. SMT. NIRMALADEVI W/O. ARUNKUMAR MORE,  
AGE: 54 YEARS, OCC: PRIVATE JOB,  
R/O. 2<sup>ND</sup> CROSS, CHAMUNDESHWARI LAYOUT,  
DODDABOMMASANDRA, BENGALURU-560097.

...RESPONDENTS

(NOTICE TO R1 TO R7 SERVED;  
NOTICE TO R8 DISPENSED WITH)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO WITHDRAW THE TRANSFER THE O.S.NO.50/2016 PENDING ON THE FILE OF THE HON'BLE CIVIL JUDGE AND JMFC, YELBURGA, SITTING AT KUKANUR DIST. KOPPAL TO ANY OTHER NEARBY COURTS AS DEEM FIT BY THIS HON'BLE COURT IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION COMING ON FOR ADMISSION, THIS DAY ORDER WAS MADE THEREIN AS UNDER:



**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR)

The petitioners/defendant Nos.2 to 4 have preferred this Civil Petition under Section 24 of CPC, praying to transfer the suit in O.S.No.50 of 2016 pending on the file of Civil Judge and JMFC, Yelburga sitting at Kukanur, District-Koppal, to any other nearby Courts.

2. The grounds for seeking transfer are that defendant Nos.2 to 4 have filed an application under Order VII Rule 11 of CPC (a and d) read with Section 151 of CPC, for rejection of plaint, but the Trial Court, without considering the said application has proceeded with evidence; therefore, it is the grievance of the petitioners/defendant Nos.2 to 4 that the first the Trial Court has to consider the application filed for rejection of plaint before going to further stages.

3. Just because the application filed for rejection of the plaint is not considered and the Court has proceeded



further with evidence is not a ground to transfer the suit to any other courts, but when this being the fact as urged by the learned counsel for the petitioners/defendant Nos.2 to 4 that the application filed for rejection of the plaint is still pending, therefore, it is directed the Trial Court to dispose of the said application I.A.No.VII filed under Order VII Rule 11 (a and d) read with Section 151 of CPC first and take appropriate steps as per law, then proceed with further stages.

4. With the above said observations, the petition is ***disposed of.***

5. In view of disposal of the petition, pending IAs' if any, shall stand disposed of.

**Sd/-  
(HANCHATE SANJEEVKUMAR)  
JUDGE**