



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 2<sup>ND</sup> DAY OF MAY, 2024**

**PRESENT**

**THE HON'BLE MR JUSTICE B M SHYAM PRASAD**

**AND**

**THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA**

**MISCELLANEOUS FIRST APPEAL NO. 2826 OF 2024 (AA)**

**BETWEEN:**

MR. RANGASWAMY  
S/O RAJANNA,  
AGED ABOUT 39 YEARS,  
R/AT NO.38,  
BALAJI LAYOUT,  
NEAR SIR M VISHWESHWARAIAH LAYOUT,  
BENGALURU-560060

...APPELLANT

(BY SRI. HARSHA D JOSHI, ADVOCATE)

**AND:**

1. MR.RAMESH  
S/O NANJUNDAIAH,  
AGED ABOUT 45 YEARS,  
R/AT NO.91, 2ND WARD,  
VADERAHALLI,  
NEAR ANANDA DHABA,  
RAMANAGARA TALUK AND DISTRICT-562159





2. SMT. PRATHIBA  
W/O RAMESH,  
AGED ABOUT 41 YEARS,  
R/AT NO.91, 2ND WARD, VADERAHALLI,  
NEAR ANANDA DHABA,  
RAMANAGARA TALUK AND DISTRICT-562159  
...RESPONDENTS  
(BY SRI. YOGESH V. KOTE, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 04.03.2024 PASSED ON IA.NOS. 1 AND 2 IN AA.NO.76/2023 ON THE FILE OF THE 17 ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-16, DISMISSING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC AND ALLOWING THE I.A.NO.2 FILED UNDER ORDER 39 RULE 4 R/W SECTION 151 OF CPC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY **B.M. SHYAM PRASAD J**, DELIVERED THE FOLLOWING:

### **JUDGMENT**

The petitioner has filed a writ petition in W.P.No.9500/2024 [GM-CPC] impugning the order dated 04.03.2024 in A.A.No.76/2023. This writ petition is disposed of by this Court on 02.04.2024 permitting the appellant to convert such Writ Petition into a Miscellaneous First Appeal by making



necessary corrections and that after such order, the writ petition is numbered as M.F.A.No.2817/2024 with the appellant making necessary corrections.

It is obvious from the above that this appeal, which is also filed against the aforesaid order cannot be maintained and must be disposed of reserving liberty to the appellant to prosecute the appeal in M.F.A.No.2817/2024.

The appeal stands disposed of accordingly.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

RB