NC: 2026:KHC:24503
MFA No. 2959 of 2026

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 2959 OF 2026 (CPC)

BETWEEN:

MR. SADANANDA D.S.,
S/O. LATE. SESAPPA POOJARY
AGED ABOUT 46 YEARS,
SINCE DECEASED REPRESENTED BY
HIS LEGAL REPRESENTATIVES

1. SMT. CHANDRAVATHI,
W/O.LATE SADANANDA D.S.,
AGED ABOUT 51 YEARS

2. THEJAS SOORYA D.S.,
S/O. LATE SADANANDA D.S.,
AGED ABOUT 29 YEARS.

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

3. MANIKSHA D.S.,
D/O LATE SADANADA D.S.,
AGED ABOUT 26 YEARS,
ALL ARE RESIDING AT DASARAMOOLE HOUSE,
HIREBANDADI VILLAGE,
PUTTUR TALUK, D.K. DISTRICT.

...APPELLANTS

(BY SRI. DIVAKARA K N.,ADVOCATE)

AND:

KARNATAKA CASHEW DEVELOPMENT
CORPORATION LTD.,
PUTTUR DIVISION,

REPRESENTED BY ITS DIVISIONAL MANAGER
PUTTUR, D.K. 574 201.

…RESPONDENT

THIS MFA IS FILED U/O 43 RULE 1(U) OF CPC, AGAINST THE ORDER DATED 28.02.2026 PASSED IN RA.NO. 16/2024 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, PUTTUR, DAKSHINA KANNADA, ALLOWING THE APPEAL FILED UNDER SECTION 96, ORDER 41 RULE 1 TO 3 OF CPC AND REMANDING THE SAME TO TRIAL COURT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

This Miscellaneous First Appeal is filed challenging the order dated 28.02.2026 passed in R.A.No.16/2024 on the file of the I Additional Senior Civil Judge and JMFC, Puttur ('Trial Court' for short), whereby the Appellate Court allowed the appeal and remanded the matter to the Trial Court.

2. When the matter was taken up, learned counsel for the appellants has filed a memo seeking conversion of the present Miscellaneous First Appeal into Miscellaneous Second Appeal, which reads as under:

> " *It is most respectfully submitted that as per the decision reported in ILC 2007 KAR 1127, above appeal is to be numbered as MSA and not MFA.*
>
> *Therefore in the interest of justice above MFA may kindly be ordered to be converted as MDA viz Miscellaneous Second Appeal.*
>
> *Prayed accordingly*"

2. The said memo is taken on record.

3. In light of the memo filed, the appellants are permitted to convert the present Miscellaneous First Appeal into a Miscellaneous Second Appeal (MSA).

4. The Registry is directed to permit conversion and make necessary corrections in accordance with law.

6. For statistical purpose, the present Miscellaneous First Appeal stands ***disposed of***.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 8