



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN

MISCELLANEOUS FIRST APPEAL NO. 642 OF 2025 (AA)

BETWEEN:

PREMA R NAYAK,
W/O M RATHNAKAR NAYAK,
AGED ABOUT 70 YEARS,
R/AT "SRI RAM" JEPPU,
MANGALURU - 575 002,
DAKSHINA KANNADA.

...APPELLANT

(BY SRI. PAVAN CHANDRA SHETTY H., ADVOCATE)

AND:

1. MR. M SATHISHCHANDRA NAYAK
S/O LATE M VAMAH NAYAK,
AGED ABOUT 69 YEARS,
R/AT "SRI RAM", JEPPU,
MANGALURU - 575 002,
DAKSHINA KANNADA.
2. SMT. MUKTHA D. NAYAK
W/O DAMODAR NAYAK,
AGED ABOUT 72 YEARS,
R/AT MANGALA, SILVA ROAD,
FALNIR, MANGALURU - 575 001.
3. MR. SURENDRA NAYAK,
H/O LATE PREMALATHA S. NAYAK,
AGED ABOUT 84 YEARS,
R/AT "SWASTHI",
D.NO.1-S-22-1703/1(1),
URWA MAKEY, SULTAN BATHERY
ROAD, OPPOSITE SUN DEW APARTMENT,
MANGALURU - 575 006.

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Location: HIGH COURT
OF KARNATAKA



4. MR. RAJESH NAYAK
S/O LATE PREMALATHA S. NAYAK
AGED ABOUT 56 YEARS,
R/AT "SWASTHI",
D.NO. 1-S-22-1703/1(1),
URWA MARKEY, SULTAN BATHERY
ROAD, OPPOSITE SUN DEW APARTMENT
MANGALURU - 575 006.
5. MR. RAHUL NAYAK
S/O LATE PREMALATHA S. NAYAK
AGED ABOUT 47 YEARS
R/AT "SWASTHI",
D.NO.1-S-22-1703/1(1),
URWA MARKEY, SULTAN BATHERY
ROAD, OPPOSITE SUN DEW APARTMENT
MANGALURU - 575 006.
6. MRS LEELA NAYAK
W/O LATE RUPESH NAYAK
AGED ABOUT 43 YEARS
R/AT 107-1, KARIKUDRUBALKUR,
KUNDAPURA TALUK, UDUPI DISTRICT - 576 211
7. MR. SHUBHAN NAYAK
S/O LATE RUPESH NAYAK
AGED ABOUT 18 YEARS,
R/AT 107-1, KARIKUDRUBALKUR,
KUNDAPURA TALUK, UDUPI DISTRICT - 576 211
8. MASTER SHARAN NAYAK
S/O LATE RUPESH NAYAK
AGED ABOUT 13 YEARS
R/AT 107-1, KARIKUDRUBALKUR,
KUNDAPURA TALUK - 576 211
UDUPI DISTRICT, MINOR, REPRESENTED
BY HIS MOTHER AND NATURAL GUARDIAN
VIZ. MRS LEELA NAYAK
W/O LATE RUPESH NAYAK
9. MR. K. PREMNATH, B.A.LL.B.,
ADVOCATE AND ARBITRATOR,
I FLOOR, BESANT COMPLEX,



M.G. ROAD, KODIALBAIL,
MANGALURU - 575 003, D.K.

...RESPONDENTS

THIS MFA IS FILED UNDER SECTION 37(1)(B) OF THE ARBITRATION AND CONCILIATION ACT, AGAINST THE ORDER DATED 09.08.2024 PASSED IN A.S.NO. 115/2018 ON THE FILE OF THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE AND COMMERCIAL COURT, DAKSHINA KANNADA, MANGALURU, DISMISSING THE PETITION FILED UNDER SECTION 34 OF ARBITRATION AND CONCILIATION ACT 1996.

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

CORAM: HON'BLE MR JUSTICE K.NATARAJAN

ORAL JUDGMENT

The office has raised objection regarding maintainability of the appeal.

2. Learned counsel for the appellant has filed a memo dated 04.02.2025 seeking permission to convert Miscellaneous Appeal into Commercial Appeal.

3. Memo is placed on record.

4. Appellant is permitted to convert the Miscellaneous Appeal into Commercial Appeal.

5. For statistical purpose, the appeal stands disposed of.



6. Office to assign new Commercial Appeal number and post this matter before the appropriate Bench.

Sd/-
(K.NATARAJAN)
JUDGE