



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR
REGULAR SECOND APPEAL NO. 374 OF 2026 (PAR)

BETWEEN:

SMT. MOHINI POOJARTHY (DEAD)

1. MR. NIRANJAN
51 YEARS
S/O SMT. MOHINI POOJARTHY
GUNDETTU HOUSE
NADUGODU POST AND
VILLAGE, KATEEL
MANGALURU.
2. SMT. GULABI KESHAVA POOJARY
AGED ABOUT 52 YEARS
D/O. MOHINI POOJARTHY
ANUGRAHA KRUPA COMPOUND
BONDEL POST
PACHANADY VILLAGE
MANGALURU - 575 008.
3. SMT. KUSUMA SUNDARA POOJARY
AGED ABOUT 55 YEARS
D/O. MOHINI POOJARTHY
BABBARA KATTE, MULOOR
UCHILA POST, KAUP TALUK
UDUPI DISTRICT - 574 117.

...APPELLANTS

(BY SRI VASANTHA KUMAR, ADVOCATE)

AND:

1. KRISHAPPA POOJARY (DEAD)
REPRESENTED BY HIS LR'S.

Digitally
signed by B
LAVANYA
Location:
HIGH
COURT OF
KARNATAKA



- 1(a) MRS.RAJEEVI POOJARTHY
AGED 74 YEARS
W/O. LATE KRISHNAPPA.
- 1(b) MRS. SUJATHA VIJAY PUJARI
AGED ABOUT 53 YEARS
D/O. LATE KRISHNAPPA POOJARY
R/AT. P.K. NAGAR, FL. NO.4
S.NO-34, BHARATHIYA
VIDYA PETH, PUNE - 43.
- 1(c) MR. SUDHISH K. SANIL
AGED ABOUT 40 YEARS
S/O. LATE KRISHNAPPA
1(A) &(C) ARE R/AT
GUNDETTU HOUSE
NADUGODU POST
AND VILLAGE, VIA KINNIGOLI
MANGALURU 574 150.

...RESPONDENTS

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF CPC PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 22.11.2025 IN R.A.NO.57/2016 PASSED BY THE PRESIDING OFFICER, LABOUR COURT, DAKSHINA KANNADA, MANGALURU AND AS THE SUIT O.S.NO.373/2010 IS PARTLY DECREED BY THE TRIAL COURT, THE APPELLANTS ARE PRAYING TO DECREE THE SUIT IN FULL BY GRANTING THEM 1/2 SHARE (1/6TH SHARE EACH TO THE APPELLANTS BEING 3 CHILDREN OF THE PLAINTIFF) IN THE PLAINT "A" AND "B" SCHEDULE PROPERTY BY RESTORING AND MODIFYING THE JUDGMENT AND DECREE IN O.S.O.373/2010 DATED 01.12.2015 PASSED BY II ADDITIONAL CIVIL JUDGE AND JMFC, MANGALURU, DAKSHINA KANNADA.



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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Learned counsel for appellants files a memo seeking
conversion of this appeal, which reads as under:

*"That the above Second Appeal is filed before
this Hon'ble High Court of Karnataka at Bengaluru
against the remand order passed by the 1st appellate
Court in RA No.57/2016 arisen from Judgement and
Decree of O.S.No.373/2010 as detailed in the appeal
memo.*

*There fore the appellants may be kindly
permitted to convert the above Regular second
appeal as MSA as per Section 104(i) & Order XLIII
Rule (u) of C.P.C, 1908 in the interest of justice and
equity."*

2. The said memo is taken on record.

3. In view of the memo, the appellants are permitted
to convert this appeal into Miscellaneous Second Appeal
(MSA) in accordance with law.



Accordingly, the appeal is ***disposed off*** for statistical purposes.

In view of disposal of the appeal, pending interlocutory application, if any, does not survive for consideration and the same pales into insignificance.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

CPN
List No.: 1 Sl No.: 21