

**MFA NO. 201023/2021 (MV - D - IA)**

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

[THE DIVISIONAL MANAGER VS. SHARANAPPA S/O  
MADIWALAPPA AND ORS AND OTHERS]

12.06.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE K V ARAVIND

**ORAL ORDER**

On 04.06.2026, the learned counsel for the appellant submitted that the needful had been done for issuance of notice to respondent Nos.1 and 4. However, it is seen that, on 04.06.2026, the learned counsel had only paid the process charges of Rs.150/- for issuance of notice to respondent Nos.1 and 4. The Office has raised an objection to the process fee on the ground of non-furnishing of the appeal papers, covers, and acknowledgments required for issuance of notice.

At the commencement of the roster, members of the Bar made a grievance that appeals were not being listed before the Court unless specifically moved. To address the grievance raised by the members of the Bar, this Court inspected the concerned branches and issued necessary instructions to list the old matters, including those in which service of notice on the respondents had not been completed. Accordingly, the old matters were listed before this Court.

The present appeal is of the year 2021. Further inspection was conducted by this Court in the MFA (MVC) matters branch. During such inspection, the Registry brought to the notice of the Court that notices could not be issued on account of incomplete steps taken by the learned counsel appearing for the appellants. It was stated that, in many cases, in an attempt to overcome the peremptory orders passed by the Court, some of the learned counsel adopt the practice of partial compliance by furnishing only a part of the process fee requirements.

It was brought to the notice of the Court during the inspection that, for issuance of notice, the requisite postal charges, covers, acknowledgments, and appeal papers are required to be furnished. However, it has been noticed that either the appeal papers or the covers and acknowledgments are not furnished, thereby handicapping the Registry in issuing notices.

To substantiate the experience and grievance brought to the notice of this Court by the Registry, the present case is one such apt example, wherein only the process charges have been paid without furnishing the covers, acknowledgments, and

appeal papers. It is for this reason that the matter has again been listed today.

Such conduct cannot be countenanced. It amounts to interference with the administration of justice. It has also been brought to the notice of this Court that, when such partial compliance is pointed out by the Registry to the learned counsel concerned, arguments are advanced before the staff of Registry that once partial compliance is made, the peremptory order cannot be given effect to by dismissing the appeal against the unserved respondents, and insistence is made that such matters be posted before the Court for further orders.

Such submissions or interpretations made before the staff of the Registry are wholly misconceived and cannot be appreciated. It is made clear that where time is granted to take steps in respect of unserved respondents and only partial compliance is made, the same shall be treated as non-compliance. In such circumstances, the Registry shall give effect to the peremptory order and dismiss the appeal as against such unserved respondents.

For the purpose of complete compliance of process fee requirements, the necessary postal charges, covers,

acknowledgments, and requisite appeal papers shall be furnished. It is further clarified that if any of the aforesaid requirements are not complied with, such deficiency shall be treated as non-compliance, and the Registry shall give effect to the peremptory order by rejecting the appeal as against such respondents.

A copy of this order shall be placed before the learned Additional Registrar General of this Court for bringing the contents of this order to the notice of the concerned staff and for ensuring its compliance. Any non-compliance with this order by the Registry shall be viewed seriously.

Learned counsel for the appellant in the present case submits that the objections raised by the Office on the process could be cured during the course of the day.

In order to afford a final opportunity, time is granted till the end of the day to cure the defects in the process memo, failing which, the appeal shall stand dismissed as against respondent Nos.1 and 4.

Learned counsel for the appellant submits that the deposit has already been made before the Tribunal.

Further time of two weeks is granted to produce the acknowledgement.

**Sd/-  
(K V ARAVIND)  
JUDGE**

Srt  
List No.: 1 Sl No.: 9