

recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.

---

#### KARNATAKA HIGH COURT AMENDMENT

<sup>1</sup>[**23.** Where the Court from whose decree an appeal is preferred has disposed of the suit upon a preliminary point and the decree is reversed in appeal, or where the Appellate Court, in reversing or setting aside the decree under appeal considers it necessary in the interests of justice to remand the case, the Appellate Court may by order remand the case, and may further direct what issue or issues shall be tried in the case so remanded, and whether any further evidence shall or shall not be taken after remand, and shall send a copy of its judgment or order to the Court from whose decree the appeal is preferred, with directions to re-admit the suit under its original number in the register of civil suits, and proceed to determine the suit; the evidence, if any, recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.]

---

<sup>2</sup>[**23-A. Remand in other cases.**—Where the Court from whose decree an appeal is preferred has disposed of the case otherwise than on a preliminary point, and the decree is reversed in appeal and a retrial is considered necessary, the Appellate Court shall have the same powers as it has under Rule 23.]

**24. Where evidence on record sufficient, Appellate Court may determine case finally.**—Where the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court may, after resettling the issues, if necessary, finally determine the suit, notwithstanding that the judgment of the Court from whose decree the appeal is preferred has proceeded wholly upon

---

1. Rule 23 substituted by Notification No. R.O.C. 2296 of 1959, dated 06-10-1959, w.e.f. 05-11-1959.

2. Inserted by Act No. 104 of 1976, w.e.f. 01-02-1977.