

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.101113 OF 2015 (LAC)

BETWEEN:

1. BALAPPA S/O SIDRAMAPPA BHUSHI,
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
- 1.A SMT. SHARAVVA W/O SIDRAM BHUSHI
AGE: 83 YEARS, OCC: HOUSEHOLD WORK,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
- 1.B SMT. NEELAVVA W/O BALAPPA BHUSHI
AGE: 53 YEARS, OCC.: HOUSEHOLD WORK,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
- 1.C SHRI SHRISHAIL S/O BALAPPA BHUSHI
AGE: 30 YEARS, OCC.: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
- 1.D SHRI BHOJRAJ S/O BALAPPA BHUSHI
AGE: 28 YEARS, OCC.: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
2. VIJAY KUMAR S/O BABU BHUSHI
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.
3. ASHOK S/O BASAPPA BHUSHI
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.

MOHANKUMAR
B SHELAR

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Karnataka, Dharmwad Bench
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4. CHANDRAPPA S/O BALAPPA BHUSHI
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O: GHODAGERI - 591 107
TAL: HUKKERI, DIST: BELAGAVI.

...APPELLANTS

(BY SRI. SHEKHARGOUDA M. NAGANURI, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
HIDKAL DAM, HUKKERI, DIST: BELAGAVI.
2. THE MANAGING DIRECTOR,
KARNATAKA NEERAVARI NIGAM LTD.,
BANGALORE, THROUGH ITS
ASSISTANT EXECUTIVE ENGINEER,
KNNL.GRBC, DIVISION NO.2,
HIDKAL DAM, TALUK: HUKKERI,
DIST: BELAGAVI.

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
SRI. LINGESH V. KATTIMANI, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT 1894, PRAYING TO MODIFIED THE JUDGMENT AND AWARD PASSED BY THE CIVIL JUDGE (SR.DN) HUKKERI IN LACNO.30/2011 DATED 24.10.2011 BY ENHANCING THE COMPENSATION FROM RS.1,85,625/- TO RS.3,00,000/- PER ACRE AND ALLOW THIS APPEAL WITH COST IN THE INTEREST OF JUSTICE.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 08.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

The appeal is directed against the Judgment and Award dated 24.10.2011 passed by the Senior Civil Judge Hukkeri ('the Reference Court' for short), in LAC No.30/2011, whereby compensation of Rs.1,85,625/- per acre was awarded in respect of the land situated at Hukkeri, Belgaum District, belonging to the appellants.

2. For convenience of reference, the parties herein are referred to as arrayed before the before this Court.

3. I.A.No.1/2015 is filed by the appellants with the accompanying affidavit to condone the delay of 1144 days in filing the present appeal.

I.A.No.1/2015

Submissions on behalf of the appellants

4. Shri Balappa S/o. Sidramappa Bhushi, states that he is the appellant in the present appeal and is swearing this affidavit on his own behalf and on behalf of the other appellants, being conversant with the facts of the case.

5. The appellant is an agriculturist and the acquired land was the only source of livelihood of the family. However, the compensation awarded by the reference Court was meagre and insufficient even to clear the loans incurred. Owing to the acquisition, the appellant became landless and due to acute poverty and financial hardship, he migrated outside the State for livelihood and was unable to mobilize funds to pay the court fee or approach this Court within the prescribed period. The appellant also states that subsequently he came to know that in respect of adjoining lands acquired under the same notification, the reference Court, in LAC No.29/2011, awarded compensation at Rs.2,56,163/- per acre, to which the appellant also claims parity.

6. He further states that the delay in filing the appeal is thus explained on *bona fide* grounds and, in the light of the law laid down by the Apex Court in the case of ***Land Acquisition Officer v. Aantanagar*** reported in ***AIR 1987 SC 1353***, deserves to be condoned, as no prejudice

would be caused to the respondents and refusal to condone would result in denial of just and reasonable compensation.

7. Heard learned counsel appearing on either side and perused the judgment relied upon by the counsel for the parties.

8. Having considered the contentions advanced, it is observed that the Apex Court and the Co-ordinate Bench of this Court in the aforesaid judgments relied upon by the respondents-State held that the approach of the Courts in condoning the delay should be pragmatic when sufficient cause is shown. However, in the instant case, the appellants failed to establish sufficient cause to condone such enormous delay of 1144 days.

9. Further, the aforesaid judgments of the Apex Court in ***Katiji's case (supra)***, ***Basawaraj's case (supra)***, and ***Shivamma's case (supra)***, on law of limitation is well settled that wherein it has been consistently held that expressions such as "liberal approach", "justice-oriented approach" or "advancement of substantial justice" cannot

be employed to defeat the law of limitation so as to revive stale and time-barred claims under Section 5 of the Limitation Act. It has further been held that the Courts would not be justified in condoning inordinate delay by imposing conditions; as such an approach would undermine the object and sanctity of the law of limitation.

10. In view of the aforesaid enunciation of law, this Court finds that the appellants have failed to show sufficient cause to condone the enormous delay of 1144 days in filing the present appeal. The averments made in the affidavit accompanying the application are vague, general, and unsupported by any cogent material. Further, reasons stated in the affidavit such as migration for labour work, displacement after acquisition, receipt and utilisation of compensation and subsequent discussion with the advocate do not constitute a satisfactory or acceptable explanation for condoning such an inordinate delay. Entertaining such applications would amount to revival of a dead and settled right, which is impermissible under law.

11. If such enormous delay is condoned without sufficient cause, it would confer an undue advantage on litigants who are fence sitters, lack diligence, and approach the Court at their convenience, thereby defeating the very object of the law of limitation. It would also unsettle rights of the parties that have attained finality by the reference Court long ago and cause serious prejudice to the respondents, besides opening floodgates for similarly placed persons to reopen concluded proceedings. The concept of finality of litigation and public policy underlying limitation laws cannot be ignored. In the absence of sufficient cause, the appellants are not entitled for condonation of delay, and the application is liable to be dismissed.

12. In view of the aforementioned discussions, this Court proceeds to pass the following:

ORDER

*(i) IA No.1/2015 is hereby **dismissed**.*

(ii) In view of inordinate delay of 1144 days in filing the present appeal, the present appeal shall

*not survive for consideration. Hence, the present appeal is **dismissed**.*

The appeal and other pending applications, if any shall stand **dismissed**.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

KGK,CT:VP