

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.103029 OF 2015 (LAC)

BETWEEN:

SHRI.BASAPPA
S/O SHESHAPPA INGALAGI @ YADALLI
DECEASED BY HIS LRS

1. SMT. MALLAWWA
W/O BASAPPA INGALAGI @ YADALLI
AGE: 75 YEARS, OCC: HOUSEHOLD,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
2. SHRI. SUBASH
S/O BASAPPA INGALAGI @ YADALLI
AGE: 55 YEARS, OCC: AGRICULTURIST,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
3. SHRI. VENKAPPA
S/O BASAPPA INGALAGI @ YADALLI
AGE: 53 YEARS, OCC: AGRICULTURIST,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
4. SMT. PARAWWA
W/O SHANKREPPA ANKALGI
AGE: 50 YEARS, OCC: HOUSEHOLD,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
5. SHRI. CHANDRAPPA
S/O BASAPPA INGALAGI @ YADALLI
AGE: 48 YEARS, OCC: AGRICULTURIST,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
6. SMT. INDRAWWA
D/O BASAPPA INGALAGI @ YADALLI

AGE: 45 YEARS, OCC: AGRICULTURIST,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.

7. SMT. LAXMAWWA
W/O VITHAL UDAPUDI
AGE: 43 YEARS, OCC: AGRICULTURIST,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
8. SHRI YALLAPPA
S/O BASAPPA INGALAGI @ YADALLI
AGE: 40 YEARS, OCC: AGRICULTURIST,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.

SHRI. VITHAL S/O RAMAPPA BHANGI
(DECEASED BY HIS LR'S)
9. SMT. SIDDAWWA
W/O VITHAL BHANGI
AGE: 40 YEARS, OCC: HOUSEHOLD,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
10. SHRI. BEERAPPA
S/O VITHAL BHANGI
AGE: 20 YEARS, OCC: AGRICULTURAL,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
11. SHRI. RAJU
S/O VITHAL BHANGI
AGE: 18 YEARS, OCC: AGRICULTURAL,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.
12. SHRI SIDDAPPA
S/O RAMAPPA BHANGI
AGE: 32 YEARS, OCC: AGRICULTURAL,
R/O: SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.

13. SHRI. SADEPPA
S/O RAMAPPA BHANGI
AGE: 28 YEARS, OCC: AGRICULTURAL,
R/O:SATTIGERI VILLAGE, SAUNDATTI TALUKA,
DIST: BELAGAVI-591129.

UDDAPPA S/O RAMAPPA BHANGI
(DECEASED BY HIS LR'S)

APPELLANT NO.12 AND 13 ABOVE
MENTIONED IN THE CAUSE TITLE

...APPELLANTS

(BY SRI. G.N. NARASAMMANAVAR, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER BAILHONGAL,
PIN CODE-591102.
2. THE EXECUTIVE ENGINEER,
M.I. DIVISION, BELAGAVI-590006.
3. THE CHIEF ENGINEER,
NORTH ZONE, M.I. BIJAPUR,
NOW CHANGED THE NAME
VIJAYPUR, TQ: AND DIST: VIJAYAPUR-586109.

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1 TO R3)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, PRAYING TO ENHANCED THE MARKET VALUE AT THE RATE OF RS.3,46,500/- PER ACRE WITH ALL STATUTORY BENEFITS BY MODIFYING THE JUDGMENT AND AWARD PASSED IN LAC NO.284/2005 DATED 18.02.2006 PASSED BY THE COURT OF THE CIVIL JUDGE (SR.DN.), SAUNDATTI, IN THE INTEREST OF JUSTICE AND THIS APPEAL BE ALLOWED WITH COSTS.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 30.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

CAV JUDGMENT

1. This appeal is filed by the appellants-private parties with a prayer to modify the judgment and award dated 18.02.2006, passed in LAC No.284/2005 and enhance the compensation amount from Rs.1,80,000/- per acre to Rs.5,00,000/- per acre on the file of the Civil Judge (Sr. Dn.), Saundatti (herein after referred to as 'the Reference Court' for short).

2. The appellants herein are the claimants/legal representatives and the respondents herein are the opponents before the Reference Court.

3. For convenience, the parties herein are referred to as per their ranking before the Reference Court.

4. I.A.No.1/2015 is filed by the appellants with the accompanying affidavit to condone the delay of 3429 days in filing the present appeal.

I.A.No.1/2015

Submissions on behalf of the appellants:

5. The deponent, Sri.Chandrappa S/o Basappa Ingalgi @ Yadalli states that he is swearing this affidavit on his and on

behalf of the other appellants, they being conversant with the facts of the case.

6. The appellants submit that the lands in question in Saundatti Taluka are undisputedly sugar cane growing lands. That all the lands have perennial source of water from bore-well and well; thus they are fertile lands having irrigation facility and they are growing sugarcane of 60 to 70 tonnes per acres. That they were preparing jaggery and selling jaggery at the rate of Rs.1,600/- to Rs.35,000/- per acre. After deducting cost of cultivation, their lands were having market value of Rs.3,00,000/- per acre and more. They are under acquisition for the purpose of construction of Minor Irrigation Tank at Sattigeri and Korakoppa villages. Appellants submit that they are poor and uneducated, and the acquired lands were the sole source of livelihood for their family, having potential for sugarcane cultivation. Due to acquisition, the family was displaced and forced to migrate to different places, including Goa, for labour work. Though compensation was received by the appellants/legal representatives, the same was exhausted to clear the debts and other family necessities, leaving the appellants/legal representatives without financial means and stability.

7. It is further submitted that the original claimants had filed reference application and entrusted to their neighbour agriculturist Shri.Basappa, S/o.Yankappa Yadalli to give evidence on their behalf. After returning to their parental home, they came to know that Rs.1,80,000/- per acre compensation has been awarded by the Reference Court. After the death of original claimants, their legal representatives have filed this appeal before this Court for enhancement. However, due to poverty, illiteracy, debt, displacement, and continuous struggle for livelihood after acquisition, the appeal could not be filed within the prescribed period. The delay is *bona fide*, unintentional, and caused by circumstances beyond the control of the appellants.

Submissions on behalf of Respondent-State:

8. The respondent-State opposes the application for condonation of delay and contends that admittedly, the appeal has been filed after an inordinate delay of 3429 days, for which no sufficient or acceptable explanation has been offered.

9. It is well settled that every day's delay must be explained by showing sufficient cause. The reasons assigned in

the affidavit, is that, after acquisition the appellants went to Goa for labour work. Hence, the averments made by the appellants for condonation of delay are vague, bald, and do not satisfactorily explain the enormous delay as mandated under law.

10. The respondents submit that the appellants have failed to show any diligence *or bona fide* effort in prosecuting their remedy within the prescribed period. If such inordinate delay is condoned, it would cause serious hardship and prejudice to the respondents, whereas no prejudice would be caused to the appellants if the application is dismissed. In support of his contention, the learned counsel for the respondent-State placed reliance on the judgment of the Apex Court in the case of ***Shivamma (Dead) by her LRs v. Karnataka Housing Board and Others***, reported in **2025 SCC OnLine SC 1969**, wherein it has been held as follows:

"264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

11. Heard the learned counsel appearing on either side and perused the judgment relied upon by the counsel for the respondent-State.

12. Having considered the contentions advanced, it is observed that the Apex Court in the aforesaid judgment relied upon by the respondent-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 more than 09 years.

13. Further, reliance can be placed on the decisions of the Apex Court in the case of **Collector, Land Acquisition v. Katiji** reported in **(1987) 2 SCC 107** and **Basawaraj and another v. Special Land Acquisition officer** reported in **(2013) 14 SCC 81**, wherein it has been held that the expressions "liberal approach", "justice-oriented approach" or "advancement of substantial justice" cannot be invoked to defeat the law of limitation or to revive stale and time-barred claims under Section 5 of the Limitation Act, and that Courts are not justified in condoning inordinate delay even by imposing

conditions. All averments not specifically traversed are denied and the appellants are put to strict proof thereof.

14. 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, 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 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.

15. 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 3429 days i.e., more than 09 years 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, and utilisation of compensation to cover the

debts and other family necessities 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.

16. 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 respondent, 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.

17. 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 3429 days in filing the present appeal, the present appeal shall not survive for consideration. Hence, the present appeal also stand **dismissed**.*

Accordingly, other pending applications, if any shall stand **dismissed**.

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

BNV / CT:VP