



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 298 OF 2022 (PAR)

BETWEEN:

P ASHWATHA REDDY
(DIED ON 18.03.2021)
BY HIS LRS,

1. SMT P LAKSHMIDEVAMMA,
W/O LATE. P. ASHWATHA REDDY,
AGED ABOUT 50 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH -515701
2. SRI. P RAMAKRISHNA REDDY
S/O LATE. P ASHWATHA REDDY,
AGED ABOUT 25 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH -515701
3. SRI. P NARAYANA REDDY
S/O LATE P. ASHWATHA REDDY,
AGED ABOUT 25 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH -515 701

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4. SMT. BHARATHI
D/O LATE P. ASHWATHA REDDY,
AGED ABOUT 28 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH - 515 701
5. SMT. PARVATHAMMA
D/O. NARAYANAPPA,
AGED ABOUT 65 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH - 515 701
6. SRI. VENKATA REDDY
S/O. NARAYANAPPA,
AGED ABOUT 62 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH -515 701
7. SMT. NARAYANAMMA
D/O. NARAYANAPPA,
AGED ABOUT 57 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH -515701
8. SRI. P SRIRAMA REDDY
S/O. NARAYANAPPA,
AGED ABOUT 52 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,



HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH 515701

9. SMT. P KALAVATHI
D/O. NARAYANAPPA,
AGED ABOUT 47 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH – 515 701
10. SRI. P SOMASHEKAR REDDY
S/O. NARAYANAPPA,
AGED ABOUT 42 YEARS
REDDICHERUPALLI VILLAGE,
GORENTLA MANDALAM,
HINDUPUR TALUK,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH 515701

...APPELLANTS

(BY SRI. ERAPPA REDDY M, ADVOCATE)

AND:

1. SRI RAMAPPA
S/O. ADHIMURTHAPPA @ JEJAPPA,
AGED ABOUT 82 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK -561207.
2. SMT. VENKATALAKSHMAMMA
W/O RAMAPPA
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK -561 207.



3. SRI. VENKATASHIVA REDDY
S/O. RAMAPPA
AGED ABOUT 42 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS, KASABA HOBLI,
BAGEPALLI TALUK - 561207.
4. SRI. MANJUNATH
S/O. RAMAPPA
AGED ABOUT 37 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK - 561 207.
5. SRI. NARAYANAPPA
S/O. ANJINAPPA,
AGED ABOUT 63 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK - 561 207.
6. SMT. K V ADEMMMA
W/O. K V NARAYANAPPA,
AGED ABOUT 72 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK - 561207.
7. SMT. PARVATHAMMA
W/O. BYYAPPA REDDY,
AGED ABOUT 54 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
NEAR T B CROSS,
KASABA HOBLI,
BAGEPALLI TALUK - 561207.
8. SMT. T N NAGARATHNAMMA
W/O. VENKATARAMAPPA,



AGED ABOUT 55 YEARS
R/AT NO. 7TH BLOCK,
BAGEPALLI TALUK -561207

9. SRI. V CHANDRASHEKAR REDDY
S/O. VENKATA REDDY,
AGED ABOUT 60 YEARS
WELLCOME BAR,
BAGEPALLI TOWN 561207
10. SRI. C JAYASIMHA REDDY
S/O. LATE. CHINNAPPA REDDY,
AGED ABOUT 47 YEARS
KONDAREDDIPALLI VILLAGE,
BAGEPALLI TALUK - 561207
11. SRI. K NAGANANDA REDDY
S/O. THIMMA REDDY
AGED ABOUT 57 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
KASABA HOBLI,
BAGEPALLI TALUK - 561207.
12. SRI. RAJA REDDY
S/O. VENKATARAMAPPA REDDY
AGED ABOUT 57 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
KASABA HOBLI,
BAGEPALLI TALUK – 561 207.
13. SRI. VENKATA REDDY
S/O. THIMMA REDDY
AGED ABOUT 57 YEARS
R/AT GANTAMVARIPALLI VILLAGE,
KASABA HOBLI,
BAGEPALLI TALUK – 561 207.

...RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF CIVIL
PROCEDURE CODE, AGAINST THE JUDGMENT AND DECREE



DATED 21.06.2014 PASSED IN R.A.NO.224/2011 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM., CHIKKABALLAPURA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 26.10.2011 PASSED IN O.S.NO.47/2009 ON THE FILE OF THE CIVIL JUDGE AND JMFC., BAGEPALLI.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard on I.A.No.1/2022. Same is filed to condone the huge delay of 2,004 days in filing the appeal.

2. First plaintiff - Ashwatha Reddy and remaining plaintiffs had filed a suit for partition and separate possession in respect of landed properties in O.S.No.47/2009. Suit on contest came to be dismissed.

3. Being aggrieved by the same, plaintiffs filed an appeal before the First Appellate Court in R.A.No.224/2011.

4. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties re-appreciated the material on record and dismissed the appeal. The said judgment is dated 21.06.2014.



5. Thereafter, present second appeal came to be filed on 16.02.2022.

6. I.A.No.1/2022 is filed under Section 5 of the Limitation Act to condone the delay in filing the appeal. Application is supported by affidavit of P. Ramakrishna Reddy - second appellant, who is one of the sons of P.Ashwatha Reddy, who was the first plaintiff.

7. In the affidavit it is contented that after filing the suit, appellant No.6 - Venkata Reddy who was the third plaintiff was looking after the matter and he did not intimate the result of the suit or the appeal in time so as to file the present second appeal.

8. Pertinently, Venkata Reddy is a party appellant in this appeal.

9. If it is the case of the appellants that Venkata Reddy is the person who is responsible for the delay in filing the appeal, he should have been assigned as a party/defendant.

10. Nothing prevented the other appellants namely, Srirama Reddy or Somashekar Reddy or for that matter Ashvatha Reddy to find out what happened to contact their



Advocate in the First Appellate Court and file the appeal in time. No such reasons are forthcoming.

11. At least the Affidavit of Venkata Reddy should have been there to the effect that he was in charge of the appeal and he did not know what to do after the First Appellate Court dismissed the appeal.

12. In the absence of such material evidence placed on record, huge delay of 2,004 days cannot be condoned as the reasons assigned in the affidavit are not sufficient enough to condone the delay.

13. Accordingly, the following:

ORDER

- (i) I.A.No.1/2022 is ***dismissed***.
- (ii) Consequently, appeal is also ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**