



CNR: KAHC010248342024

NC: 2026:KHC:42371-DB
WA No. 762 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 762 OF 2024 (S-RES)

BETWEEN:

1. THE DEPUTY COMMISSIONER
HASSAN DISTRICT,
BM ROAD, HASSAN 573201
2. THE TAHSILDAR
SAKALESHPUR TALUK,
SAKALESHPUR,
HASSAN DISTRICT

...APPELLANTS

(BY SRI. B.RAVINDRANATH, AGA)

AND:

1. SMT H D SUBBALAKSHMI
W/O. LATE. SHANBOGUE,
ALUR TALUK,
R/AT VIKAS KUMARADAL ROAD,
NEW EXTENSION FORT AREA,
CHIKKAMAGALURU

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 03/01/2022 IN WP NO.24172/2021 PASSED BY THE HON'BLE SINGLE JUDGE.

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra court appeal has been filed impugning the judgment and order dated 03.01.2022 passed by the learned Single Judge in W.P.No.24172/2021 filed by the respondent.

2. The writ Court has allowed the writ petition with the following order:

"6. For the aforesaid reasons, the following:

(i) Endorsement dated 11.05.2020 is quashed.

(ii) Government is directed to consider the representation of the petitioner bearing in mind the orders passed by this Court referred hereinabove and pass appropriate orders by granting interest on the delayed payment of pension within three months from the date of receipt of copy of the order."

3. The present appeal has been filed with enormous delay of 808 days. The affidavit filed in support of the



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application seeking condonation of such an enormous delay of 808 days in filing the appeal not on time delineates the reasons for not filing the appeal on time.

4. It would be apt to take note of few paragraphs of the affidavit filed in support of the application seeking condonation of delay of 808 days which are extracted under paragraphs 4 and 5.

"4. I state that the above writ petition No.24172/2021, disposed off on 03.01.2022, the same was communicated by the Office of the Advocate General on 30.03.2022. However, during the period of 2022 there was substantial increase of covid-19 cases and it was my duty to take precautionary measures as a responsible Officer. Hence, I was engaged in taking precautionary measures due to calamity works. Thereafter on 02.06.2022 a letter was forwarded to the Principal Secretary to Government, Department of Revenue to appoint a Litigation Conducting Officer in this case. During August to November month there was a heavy rain fall in Sakleshpura Taluk and I was constrained to stay in head quarter during the said period for essential availability to public.

5. I further state that from 08.02.2022 to 28.03.2022 Gram Panchayath Elections were conducted and 13.04.2023 to 15.05.2023 MLA elections were



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conducted. Therefore, it was my duty to stay in head quarters during the said period for the process of elections. I state that on 18.07.2023 once again a letter was forwarded to the Principal Secretary to Govt., Dept. of Revenue to issue a Government Order to file Writ Appeal against the order of learned Single Judge in W.P.No.24172/2021. On 09.10.2023 further a letter was forwarded to the Principal Secretary to Govt., Department of Revenue to appoint LCO in the present case. Thereafter, a Government Order bearing No.RD 01 BCR 23, Bengaluru dated 03.01.2024 was issued. It was received by me on 22.01.2024. Because of these internal correspondence and with regard to the essential works there was a delay in filing of this writ appeal against the order dated 03.01.2022 in W.P.No.24172/2021 passed by the learned Single Judge."

5. A perusal of these two paragraphs where the reasons have been explained for not filing the appeal on time would suggest that the only movement of file has been mentioned from one desk to another. This can hardly be a sufficient ground for not filing the appeal on time.

6. We are therefore, of the considered view that the reasons stated for not filing the appeal on time and filing the appeal with enormous delay of 808 days do not inspire



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confidence. None of the reasons appear to be bona fide or convincing. Therefore, we dismiss the application seeking condonation of delay of 808 days in filing the appeal and consequently, the appeal stands dismissed.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(H.SHANTHI BHUSHAN)
JUDGE**

RKA
List No.: 1 Sl No.: 2