



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 960 OF 2022 (SP)

BETWEEN:

C.K. NAGARAJU
S/O LATE KALICHENNAIAH @
KALICHENNA HEGGADE
AGED ABOUT 56 YEARS
R/AT CHIKKENAHALLI VILLAGE
KASABA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DSITRICT - 562 160

PRESENTLY R/AT RAGHAVENDRA POOJA ANGADI
1ST CROSS, KUMBARABEEDI
OLD MADRAS ROAD
K R PURAM BENGALURU - 560 036

...APPELLANT

(BY SRI. VEERABHADRAIAH S., ADVOCATE)

AND:

PUTTAMALLEGOWDA
S/O LATE MUDDAMALLEGOWDA
AGED ABOUT 66 YEARS
R/AT BHUHALLI VILLAGE
VIRPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT - 562 138

...RESPONDENT

(RESPONDENT SERVED)



THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 8.08.2017 PASSED IN RA.NO.73/2016 ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS JUDGE, RAMANAGARA . DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 11.03.2016 PASSED IN O.S.NO.81/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, CHANNAPATTNA.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard on IA No.1/2022.

2. Learned counsel for the appellant has filed IA No.1/2022 to condone the huge delay of 945 days in filing the present second appeal.

3. Appellant has sworn the affidavit in support of the said application, wherein at paragraph Nos.6 and 7 it has been contended as under:

"6. I state that the trial court has decreed the suit within period of 5 months from the date of filing the suit without affording sufficient opportunity to contest my case on all reasonable grounds.



7. I state that I am the bonded labour, hence, I had gone to some other places for work to lead my family, because my entire family members are depending upon income earned by me for livelihood. I am not educated; I do not have any regular sources of income except as stated above. Meantime, due to continuation of COVID-19 Pandemic and also Lockdown declared by the Hon'ble Govt., due to my old age related health issues and also due to social and economic backwardness. There is nobody in my Family who could contact my lawyer to help me in prosecuting court litigation. I came to know about the result of the case recently through my lawyer when I contacted in the office and arranged to obtain copy of the judgment. Moreover, I have to pay huge amount of court fee of Rs.56,625/- to file appeal before this Hon'ble court. Hence, after arranging funds I have contacted my advocate at Bengaluru seeking assistance to file this appeal. The delay, if any in filing this appeal is for the above stated bonafide reasons."

4. To substantiate the above contentions, there is no material on record. Further, as could be seen from the certified copies, the endorsement made in the certified copies, copy came to be applied only on 13.01.2022. What happened between the period of disposal of the Regular Appeal on 08.08.2017 to 13.01.2022, he has not explained at all in the affidavit. Nationwide lockdown on account of COVID-19 pandemic was much after the disposal of the appeal on 08.08.2017.

5. It is also pertinent to note that in the affidavit, no reasons are assigned, except stating that the appellant could



not arrange the court fee in a sum of Rs.56,625/-. If it is so, appellant could have taken the assistance of Legal Services Authority by applying for financial assistance on the ground of poverty or in the alternative, effort should have been made to file the second appeal before this Court as 'in Forma Pauperis'.

6. No such attempt has been made by the appellant. Therefore, the reasons assigned in the affidavit are not satisfactory to condone the huge delay of 945 days.

7. It is settled principles of law and requires no emphasis that when a party does not choose to agitate his rights in time, doctrine of finality would be made applicable and rights of the parties would get settled.

8. No doubt the power is available in this Court under Section 5 of the Limitation Act to condone the delay, if there is sufficient cause made out. But in the absence of sufficient cause being shown for the condonation of delay, delay cannot be condoned just for asking. More so, having regard to the fact that the suit is one for specific performance.



9. Under such circumstances, this Court is of the considered opinion that no case is made out by the appellant to condone the huge delay of 945 days.

10. Hence, the following Order:

ORDER

IA No.1/2022 is ***rejected***.

Consequently, the appeal stands ***dismissed***.

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

BH
List No.: 1 Sl No.: 30