



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

REGULAR SECOND APPEAL NO. 737 OF 2025 (INJ)

BETWEEN:

SRI. B.L. SRINIVASA REDDY
S/O LATE LINGA REDDY,
AGED ABOUT 75 YEARS,
AGRICULTURIST,
R/AT NO.122, J. KURUBARAHALLI VILLAGE,
AVANI HOBLI, MULBAGAL TALUK,
KOLAR DISTRICT - 563 127.

...APPELLANT

(BY SRI. ADINARAYANAPPA, ADVOCATE)

AND:

SRI. B.M. VENKATESHAPPA
S/O MUNIVENKATAPPA,
AGED ABOUT MAJOR,
JUNIOR HEALTH INSPECTOR, PHC,
KAMASAMUDRAM,
BANGARPET TALUK,
NATIVE OF BATRAKUPPA VILLAGE,
BETHAMANGALA HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT - 563 116.

...RESPONDENT

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 30.10.2017 PASSED IN
RA NO.128/2013 ON THE FILE OF II ADDITIONAL SENIOR

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



CIVIL JUDGE AND JMFC, KOLAR (ITINERATING AT MULBAGAL)., DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 28.05.2013 PASSED IN OS NO.783/1995 ON THE FILE OF LEARNED ADDITIONAL CIVIL JUDGE AND JMFC, MULBAGAL.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

I.A.no.1/2025 is filed for condonation of 1954 days' delay in filing appeal.

2. In affidavit filed in support of application, only explanation offered as contained in para 3 of affidavit filed in support thereof is as follows-

"3. I submit that I had filed the suit before the Addl. Civil Judge and JMFC Mulbagal against the respondent in O.S. No.783/1995 for the relief of permanent injunction in respect of the suit schedule property and the said suit came to be dismissed. Against which I had preferred an appeal before the II Addl. Senior Civil Judge and JMFC at Kolar in R.A.No.128/2013 and the said appeal had also been dismissed on 30.10.2017 and thereafter I could not able to file the appeal before this Hon'ble court within



time. Since thereafter I had filed the suit against the defendant for the relief of declaration in respect of the suit schedule property and the pending for consideration and in the said suit I am in the hope that I will get the relief as soon as possible and also will get the injunctive order. But in the said suit the respondent is unnecessarily dragging the proceedings and also again and again he is trying to interfere with my possession and also trying to illegally dispossess me from the suit schedule property. However, I am also suffering from old ailments and other illness. Under these circumstances I could not able to file the appeal in time and hence some delay is caused in filing the appeal and the same is not intentional due to bonafide reasons."

3. A perusal of same would reveal that appellant was very well aware of passing of impugned judgment and that instead of preferring Second Appeal, he had filed a civil suit and pursuing same. But, as it was being dilated, he was constrained to file this appeal. Same cannot be an acceptable cause for seeking condonation, especially when appellant was well aware of passing of impugned judgment and period of limitation for filing appeal.

4. To a query, learned counsel for appellant fairly submitted that appellant was duly represented and advised by counsel in filing subsequent suit. Therefore, I do not find any



**NC: 2026:KHC:8479
RSA No. 737 of 2025**

good ground to hold that appellant was prevented by any cause beyond his control for not approaching this Court in time. I.A.no.1/2025 is dismissed. Consequently, Appeal and other applications also stand dismissed.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

HNM
List No.: 1 Sl No.: 31