



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

REGULAR SECOND APPEAL NO. 1078 OF 2024 (DEC/INJ)

BETWEEN:

LAKSHMAMMA
SINCE DECEASED BY HER LRS

1. SRI G KRISHNAPPA
S/O LATE GURAPPA
AGED ABOUT 69 YEARS

2. G CHANDRAPPA
S/O LATE GURAPPA
AGED ABOUT 66 YEARS

G JAYARAM
SINCE DECEASED BY HIS LRS

3. SRI NANDEESHA
S/O LATE G JAYARAM
AGED ABOUT 56 YEARS

ALL ARE R/AT BANGLAPET
BEHIND HEBBAGODI BUS STOP
BOMMASANDRA POST,
ATTIBELE HOBLI,
ANEKAL TALUK
BENGALURU URBAN DISTRICT 560099

...APPELLANTS

(BY SRI. VISWANATHA SETTY V.,ADVOCATE)

Digitally signed by
GEETHAKUMARI
PARLATTAYA S

Location: High
Court of
Karnataka



AND:

1. THE GOVERNMENT OF KARNATAKA
REP BY ITS REVENUE SECRETARY
M S BUILDING, 5TH FLOOR,
DR AMBEDKAR VEEDHI
BENGALURU 560001
2. THE SPECIAL DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU 560007.
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION
BENGALURU URBAN DISTRICT 560007.
4. THE TAHSILDAR
ANEKAL TALUK ANEKAL-562106

Y VENKATESH
SINCE DECEASED BY HIS LRS
5. SRI KANTHARAJ
S/O LATE Y VENKATESH
AGED ABOUT 35 YEARS

SRI RAJANNA
SINCE DECEASED BY HIS LRS
6. GOWTHAM
S/O LATE RAJANNA
AGED ABOUT 29 YEARS

MUNIKRISHNA
SINCE DECEASED BY HIS LRS
7. MALA
W/O LATE MUNIKRISHNA
AGED ABOUT 32 YEARS



8. SRI SHIVAPPA
S/O LATE YELLAMMA
AGED ABOUT 45 YEARS.
9. SRI LAKSHMANA
S/O LT YELLAMMA
AGED ABOUT 43 YEARS
10. SRI PRAKASH
S/O LATE SAMPANGIRAMAIAH
AGED ABOUT 40 YEARS
GRAND SON OF LATE YELLAMMA
11. SRI NAGARAJ
S/O LATE MUNIYAPPA
AGED ABOUT 38 YEARS

RESPONDENTS NO.5 TO 11 ARE
LRS. OF PLAINTIFF NO.2 IN
O.S.NO.69/2006.
AND ARE R/AT BANGLAPET
BEHIND HEBBAGODI BUS STOP
BOMMASANDRA POST ATTIBELE HOBLI,
ANEKAL TALUK
BENGALURU URBAN DISTRICT 560099

...RESPONDENTS

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE
JUDGMENT AND DECREE DATED 21.02.2023 PASSED IN RA
NO.5058/2018 ON THE FILE OF THE III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT, SIT AT ANEKAL.
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND
DECREE DATED 17.04.2015 PASSED IN OS NO.69/2006 ON THE FILE
OF THE SENIOR CIVIL JUDGE, ANEKAL. TRIAL COURT DISMISSED
THE SUIT AND ETC.

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



CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Sri V.Vishwanath Setty, learned counsel for appellants submitted that challenging concurrent findings of dismissal of suit for declaration of title and permanent injunction restraining defendant from interfering with plaintiffs' possession, unsuccessful plaintiffs are before this Court.

2. In plaint, it was stated plaintiffs belonged to Schedule Caste and were landless bounded labourers residing at Banglapet. It was stated originally plaintiffs were in possession and cultivation of extent of 3 Acres and 31 guntas of Government land. After, a portion of it was granted to Doddamuniswamy, who was Chairman of panchayat, plaintiffs were in possession and cultivation of 1 Acre 10 guntas of land in Sy.no.66 of Hebbagodi village, Attibele Hobli, Anekal Taluk, Bengaluru Urban District ('**suit property**', for short).

3. It was further stated predecessor of plaintiffs one Hutchappa, father-in-law of plaintiff no.1 had during his lifetime filed application for grant of said land, which was pending. Since there was interference by Tahsildar, on 15.07.1991,



plaintiffs filed applications for regularization of unauthorized cultivation in respect of 25 guntas of land. But, claiming to have perfected title by adverse possession by being in continuous and uninterrupted possession, suit was filed against State, Special Deputy Commissioner, Assistant Commissioner and Tahsildar.

4. It was submitted, suit was opposed by defendants. In written statement they denied plaint averments in *toto* including assertion about plaintiffs being in possession of suit property. They stated suit property was government land which was in possession of government, plaintiffs were merely seeking to knock off valuable land. It was further stated claim for adverse possession was untenable in view of decision of Hon'ble Supreme Court reported in **2010 (2) SCC 461**. On said ground sought dismissal of suit.

5. Based on pleadings, trial Court framed following issues and recorded evidence :

1. Whether the plaintiffs prove that they are the absolute owners of the suit schedule property by way of adverse possession?
2. Whether the plaintiffs prove the alleged interference of the defendants over the suit



schedule property as stated in para 13 of the plaint?

3. Whether the plaintiffs are entitled for the relief of declaration and permanent injunction as prayed for?
4. Whether the defendants prove that the plaintiffs are not in possession and enjoyment of the suit schedule property?
5. Whether the defendants prove that there has no cause of action to file the above suit?
6. Whether the defendants prove that the plaintiffs have not properly valued the plaint and Court fee paid on the plaint is highly insufficient?
7. What decree or order?

6. In trial, plaintiffs examined three witnesses as PW1 to PW3 and got marked Exs.P1 to P13, while defendants an official as DW1 and got marked Exs.D1 to D4.

7. On consideration, trial Court answered issues no.1 to 3 in negative, issues no.4 to 6 in affirmative and issue no.7 by dismissing suit. Aggrieved, plaintiffs filed RA no.5058/2018 on various grounds. Based on same, Appellate Court had framed following:

Points

1. *Whether appellants have shown the sufficient reasons to condone the delay of 1308 days for filing the appeal and the application under Section 5 of Limitation Act is fit to be allowed?*



2. *Whether the plaintiffs prove that they are the owner and in possession of suit land Sy.no.66 measuring 1 acre 10 guntas of Hebbagodi village?*
3. *Whether judgment and decree passed in O.S.no.69/2006 dated 17.04.2015 on the file of Senior Civil Judge and Judicial Magistrate First Class, Anekal against the material on records and need of interference by this Court?*
4. *What Order?*

8. On consideration, appellate Court answered point no.1 in affirmative, points no.2 and 3 in negative and point no.4 by dismissing appeal on ground of delay. Aggrieved by same, this appeal is filed.

9. However there is a delay of 410 days in filing appeal. IA no.1/2026 is filed for its condonation. In para-4 of affidavit filed in support of application, only explanation offered is as follows:

- "4. *I further submit that subsequent to obtaining of certified copy of the order, due to my ill health since I was suffering from High Blood pressure and lack of knowledge, I could not be able to meet my advocate and thereafterwards I was approached the advocate and I have instructed my advocate to file the above appeal. Accordingly, the appeal came to be filed, by that time there was delay of five days for filing of the above appeal. Hence, I have come up with the accompanying application praying this Hon'ble Court to condone the*



delay in filing the above appeal. Hence, this application."

10. Admittedly, appeal is belated by 410 days. Only reason assigned namely ill-health due to hypertension without supported by Medical Certificate and that too when first appeal was also dismissed on ground of delay, would appear omnibus and unreliable. Moreso when there are other appellants and there is no explanation why any one of them could not pursue matter and file appeal in time. Thus, there is no proper explanation for delay. Therefore, IA no.1/2026 is rejected.

11. Consequently, Appeal is ***dismissed***.

At this stage, learned counsel for appellants submitted that application for regularisation filed by plaintiffs was still pending before Authorities.

If it is so, it is for plaintiffs to pursue same in accordance with law. It is merely held herein that suit for declaration of title is not tenable.

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