



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 1423 OF 2022 (INJ)

BETWEEN:

THE GRAM PANCHAYATH
KIRUGUNDHA
REPTD. BY SECRETARY /PDO
KIRUGUNDHA GRAMA PANCHAYATH
KIRUGUNDHA VILLAGE AND POST
GONIBEEDU HOBLI, MUDIGERE TALUK
CHIKMAGALURU DISTRICT - 577 132
REP. BY PDO, SMT. SAHITHYA B.G.

...APPELLANT

(BY SRI. LEELADHAR H.P, ADVOCATE)

AND:

1. SMT. VASANTHAMMA
W/O VASANTHE GOWDA
AGED ABOUT 59 YEARS

2. SRI. VASANTHE GOWDA
S/O LATE SIDDE GOWDA
AGED ABOUT 72 YEARS

BOTH ARE AGRICULTURISTS
R/AT BETTADAMANE VILLAGE
GONIBEEDU HOBLI,
MUDIGERE TALUK
CHIKKAMAGALUR DISTRICT - 577 132.

...RESPONDENTS

(BY SRI. A MADHUSUDHANA RAO, ADVOCATE)


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Location:
HIGH
COURT OF
KARNATAKA



THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 21.03.2017 PASSED IN RA.NO.134/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MUDIGERE. ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 04.11.2015 PASSED IN O.S.NO.32/2012 ON THE FILE OF THE ADDL. CIVIL JUDGE AND JMFC, MUDIGERE.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

I.A.No.1/2022 is filed seeking condonation of delay of 1,224 days in filing the above appeal.

2. Heard Sri. Leeladhar H.P., learned counsel for the appellant and Sri. Naveen Kumar, learned counsel appearing for Sri. A Madhusudhana Rao, learned counsel for respondent Nos.1 and 2 on I.A.No.1/2022.

3. The appellant is the defendant in O.S.No.32/2012, which came to be decreed on 14.11.2015. Aggrieved by the said judgment and decree, the appellant has filed R.A.No.134/2015 before the First Appellate Court. There is a huge delay of 1,224 days in filing the present appeal.



4. In the affidavit filed in support of I.A.No.1/2022, it is contended that there was a transfer of the officers in appellant's office and that the previous officer had failed to intimate the result of the suit. Consequently, the appellant was unaware about the result of R.A.No.134/2015.

5. Soon after the present officer namely Smt. Sahithya B.G., PDO of the Kirugunda Grama Panchayath, Mudigere Taluk, came to know about the result of R.A.134/2015, necessary steps were taken to file the present appeal before this Court.

6. Learned counsel for the appellant submits that there is no intentional delay in filing the appeal and sought for condoning the huge delay.

7. *Per contra*, learned counsel for the respondents orally opposes the said application for condonation of delay, contending that the reasons assigned are not satisfactory and would not fit within the parameters of Section 5 of the Limitation Act, 1963. Thus, sought for dismissal of the said application.



8. Having heard the arguments of both sides and this Court perused the material on record meticulously.

9. On such perusal of the material on record, no doubt it is contended that there was a change of officers in the Grama Panchayath, Mudugere Taluk, Chikmagalur District.

10. However, with regard to 'B' schedule property, the competent authority to grant the land in favour of the plaintiff was the Deputy Commissioner. But the plaintiff without proper semblance of right could not have obtained an order of injunction and therefore, the appeal needs to be admitted by condoning the delay.

11. The reasons assigned in the affidavit filed in support of the said application for condonation of huge delay is improper as mere change of officers would not *ipso facto*, make out a case to condone the huge delay of 1,224 days in filing the appeal.

12. Moreover, the Grama Panchayath was represented by a duly engaged advocate, both before the trial Court and the First Appellate Court. In fact, the appeal came to be dismissed



only after entertaining the objections filed on behalf of the Grama Panchayath.

13. It is also to be noted that if the Grama Panchayath is the owner of the schedule property and if no right in respect of the 'B' schedule property has accrued to the plaintiff, it is always open to the Grama Panchayath to initiate appropriate proceedings in accordance with law for recovery of possession of the schedule property. What has been granted by the trial Court is a decree of bare injunction.

14. Therefore, this Court is of the considered opinion that reserving such liberty to the Grama Panchayath, huge delay of 1,224 days cannot be condoned. Hence, the following:

ORDER

- i) I.A.No.1/2022 filed seeking condonation of delay of 1,224 days in filing the appeal, is dismissed.
- ii) Consequently, the appeal stands ***dismissed***.



It is made clear that the Grama Panchayath is at liberty to initiate appropriate proceedings in respect of 'B' schedule property. If any such action is initiated, needless to emphasize that the plaintiff is at liberty to oppose the same in accordance with law.

Sd/-
(V SRISHANANDA)
JUDGE

PHM
List No.: 1 Sl No.: 31