HC-KAR

NC: 2026:KHC:63222
RSA No. 650 of 2023

CNR: KAHC010168142023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

REGULAR SECOND APPEAL NO.650 OF 2023 (DEC/INJ)

BETWEEN:

SANNAMMA
W/O RANGAPPA,
SINCE DEASED REP BY HER LRs

SHIVAMMA D/O LATE RANGAPPA,
AGED ABOUT 48 YEARS,
(DIED ISSUE LESS)

1. SUSHEELA,
D/O LATE RANGAPPA,
AGED ABOUT 46 YEARS

JAYARAM
S/O LATE RANGAPPA,
AGED ABOUT 46 YEARS,
(DIED ISSUE LESS).

Digitally signed by ANUSHA V
Location: High Court of Karnataka

2. SHARADA,
D/O LATE RANGAPPA,
AGED ABOUT 42 YEARS,

3. RAMESHA,
S/O LATE RANGAPPA,
AGED ABOUT 50 YEARS,

NAGARATHNA,
D/O LATE RANGAPPA,
AGED ABOUT 38 YEARS,
(DIED ISSUE LESS).

4. KAMALA,
D/O LATE RANGAPPA,
AGED ABOUT 36 YEARS,

5. GAYATHRI,
D/O LATE RANGAPPA,
AGED ABOUT 44 YEARS,

ALL ARE RESIDING AT
HEGGADAHALLI BARE VILLAGE,
SHANTHIGRAM HOBLI,
HASSAN TALUK - 573 201.

...APPELLANTS

[BY SRI ABHIJIT HARANAHALLI, ADVOCATE (PH)]

AND:

1. GOWRAMMA
W/O LATE RANGEGOWDA,
AGED 58 YEARS,

2. LAVA AND KUSHA
S/O LATE RANGEGOWDA,
AGED 23 YEARS,

3. PRAKASHA
S/O LATE RANGEGOWDA,
AGED 21 YEARS,

ALL ARE RESIDING AT
HEGGADIHALLI BARE VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN TALUK 573201.

...RESPONDENTS

[BY SRI SOMASHEKARA K M., ADVOCATE FOR R1 & R3;
V/O/D 20.08.2026 NOTICE TO R2 IS DULY SERVED]

THIS RSA IS FILED UNDER SECTION 100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 26.06.2018 PASSED IN RA NO.132/2014 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, HASSAN. DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 03.09.2014 PASSED IN OS NO.539/2011 ON THE FILE OF THE III ADDITIONAL CIVIL JUDGE AND JMFC, HASSAN.

THIS APPEAL, COMING ON FOR *HEARING ON I.A.*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

There is a delay of 920 days in filing appeal. IA no.1/2026 is filed for its condonation.

2. Sri Abhijit Haranahalli, learned counsel for appellants - plaintiffs fervently submitted that delay was for bonafide reasons as stated in affidavit filed in support application. That, it was due to lack of proper guidance, advanced age and illness of plaintiff no.1 and her death, financial difficulties as well as appellants being rustic villagers.

3. Sri Somashekara K.M., learned counsel for respondents no.1 and 3 - defendants no.1 and 3, opposed

submission by contending that proceedings were pursued by Ramesh - plaintiff no.6 along with Sannama - plaintiff no.1. Ramesh had deposed as PW.2 and had also pursued matter before First Appellate Court. Appellants were duly represented by counsel. Therefore, lack of awareness about law and lack of advice would be too copious. Even Court fee payable was not substantial and therefore, financial difficulty cannot be stated to be reasonable cause. Hence, there is no merit in application.

4. Heard learned counsel, perused application along with affidavit.

5. Hon'ble Supreme Court has time and again stated that while considering application for condonation of delay, it is not duration of delay but whether cause shown is reasonable and beyond control of appellants. In instant case, appeal is by original plaintiffs. Death of plaintiff no.1, though stated to be one of reasons, cannot be considered as a reason for delay, as judgment in RA no.132/2014 was passed on 26.06.2018 and death of Sannama - plaintiff no.1 was on 26.01.2020. Even lack of awareness or legal guidance cannot be accepted, when appellants were represented by counsel before trial Court and

first appellate Court. And since Court fee paid before trial Court was only Rs.25/-, even financial difficulty would not come to aid of appellants. Hence, it is seen that appellants have failed to show sufficient cause. Accordingly, IA no.1/2026 is ***dismissed***. Consequently, appeal is also ***dismissed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 17