HC-KAR

NC: 2026:KHC:61061
WP No. 32201 of 2026

CNR: KAHC010703842026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 32201 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. NARASAMMA
   W/O. LATE. MARAIAH,
   AGED ABOUT 46 YEARS

2. NARASIMAHA
   S/O LATE MARAIAH,
   AGED ABOUT 24 YEARS,

3. RAMESH
   S/O LATE MARAIAH,
   AGED ABOUT 21 YEARS

   ALL THE ABOVE PETITIONERS ARE
   RESIDING AT PARASINAPALAYA VILLAGE,
   BIDADI HOBLI, RAMANAGARA TALUK,
   KARNATAKA - 562 109.

...PETITIONERS

(BY SRI. B.M. HALASWAMY, ADVOCATE)

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

AND:

SMT. MARAKKA
W/O NARAYANAPPA,
AGED ABOUT 45 YEARS,
R/AT PARASINAPALAYA, BIDADI HOBLI,

RAMANAGARA TALUK,
KARNATAKA - 562 109

…RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET-ASIDE THE ORDER DATED 28.08.2026 VIDE ANNEXURE-A, PASSED BY PRL. SENIOR CIVIL JUDGE AND CJM AT RAMANAGARA, IN R.A. NO. 55/2024, ALLOWING THE I.A. NO.1 AND CONDONING THE DELAY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present writ petition is filed impugning the order dated 28.08.2026 passed on I.A. No. I under Section 5 of the Limitation Act in R.A. No. 55/2024 by the Principal Senior Civil Judge and CJM, Ramanagara, whereby the delay of 1 year, 3 months and 17 days in filing the appeal has been condoned.

2. Learned counsel appearing for the petitioners submits that the respondent was aware of the pendency of

the suit as well as the passing of the judgment and decree. It is further submitted that the reasons assigned for seeking condonation of the delay of 1 year, 3 months and 17 days are not satisfactorily explained.

3. It is contended that the alleged medical condition of the respondent's husband, which is stated to have occasioned the delay, has not been substantiated by any supporting evidence. In the absence of sufficient cause being made out, the substantial delay could not have been condoned.

4. Considered the submissions made by learned counsel for the petitioners and perused the material on record.

5. The suit was instituted for partition and came to be decreed, against which the respondent has preferred an appeal. The delay in preferring the appeal is attributed to the medical condition of the respondent's husband. Mere knowledge of the passing of the judgment and decree, by

itself, cannot constitute a ground to disbelieve the compelling circumstances pleaded by the respondent as having prevented her from preferring the appeal within the prescribed period of limitation.

6. It is a settled position of law that, while considering an application for condonation of delay, the number of days of delay is not the sole consideration; rather, the sufficiency of the cause shown for such delay assumes significance. Upon appreciating the circumstances pleaded, the Appellate Court has found sufficient cause to condone the delay. This Court finds no reason to interfere with the exercise of such discretion.

7. However, having regard to the facts and circumstances of the case, this Court is of the view that the costs imposed warrant enhancement, as the prejudice likely to be caused to the petitioners by the condonation of delay has not been adequately compensated.

8. Accordingly, the costs imposed by the Appellate Court, in the sum of Rs.2,000/-, are enhanced to Rs.10,000/-.

9. Except for the aforesaid modification with regard to costs, no interference with the impugned order is warranted.

10. With the aforesaid observations and modification, the writ petition stands disposed of.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 4