HC-KAR

NC: 2026:KHC:62623
WP No. 34863 of 2026

CNR: KAHC010764902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34863 OF 2026 (GM-CPC)

BETWEEN:

1. SRI SIDDAGANGAIAH
   S/O CHIKKANNA
   AGED ABOUT 71 YEARS
   R/AT CHEEGALUR VILLAGE
   TIPPASANDRA HOBLI,
   MAGADI TALUK
   RAMANAGARA DISTRICT.

...PETITIONER

(BY SRI. MANJUNATHA T., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI N. RAGHAVENDRA
   S/O NARASIMHAIAH
   AGED ABOUT 44 YEARS
   R/AT NO.6,
   SHIVANNA BUILDING,
   BEHIND VENKATESHWARA TALKIES
   3RD CROSS, AVALAHALLI,
   BENGALURU - 560026.

2. SRI CHIKKEGOWDA
   S/O SIDDAGANGAIAH
   AGED ABOUT 42 YEARS
   R/AT CHEEGALUR VILLAGE

TIPPASANDRA HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN M.A. NO. 30/2025 FROM THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE, RAMANAGARA AND B) ALLOW THE PETITION AND SET ASIDE THE IMPUGNED ORDER DATED 02/09/2026 PASSED IN M.A. NO. 30/2025 MARKED AS ANNEXURE A 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 petition impugns the order dated 02.09.2026, whereby I.A. No. 1, filed under Section 5 of the Limitation Act seeking condonation of the delay of 93 days in filing the appeal in M.A. No. 30/2025, came to be rejected.

2. Learned counsel appearing for the petitioner submits that the appeal could not be filed within the prescribed period of limitation on account of the petitioner suffering from multiple ailments. It is further submitted that sufficient reasons were

assigned explaining the delay; however, the Trial Court failed to consider the same.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. The affidavit accompanying the application discloses acceptable reasons for the delay. The petitioner, being 68 years of age, has pleaded age-related ailments, and such circumstances need not necessarily be established through documentary evidence. For this purpose, the Trial Court cannot insist upon a detailed trial. It is a settled position of law that what requires consideration for condonation of delay is not the number of days of delay, but the cause shown for such delay.

5. This Court is of the view that sufficient grounds have been made out warranting condonation of the delay by the First Appellate Court. This Court would have otherwise condoned the delay and directed the First Appellate Court to adjudicate the appeal on merits. However, in the absence of an opportunity being granted to the petitioner, such an exercise cannot be undertaken by this Court.

5. In view of the foregoing findings, the order passed by the Appellate Court is hereby set aside. I.A. No. 1 is restored to its file for fresh consideration after affording an opportunity of hearing to the respondents.

6. The respondents are at liberty to demonstrate that the grounds urged in the application seeking condonation of delay are factually incorrect or otherwise not acceptable.

7. Accordingly, the writ petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 28