

**IN THE COURT OF IV ADDL. DISTRICT JUDGE,  
BELAGAVI AND THE LAND ACQUISITION,  
REHABILITATION and RESETTLEMENT  
AUTHORITY, BELAGAVI.**

**PRESENT**

**Smt. Sandhya S.,** M.A., LL.B.(spl.)

IV Addl. District and Sessions Judge and  
the Land Acquisition, Rehabilitation and Resettlement  
Authority, Belagavi.

**LAC NO:468/2025**

**DATED THIS THE 15<sup>th</sup> DAY OF NOVEMBER, 2025**

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| <b>Claimants</b> | <p>1. Sri.Shrimant Babu Patil,<br/><b>[Deceased]</b></p> <p>1A. Sri Udaykumar S/o. Shrimant Patil<br/>Age: 65 years, Occ: Agriculture,<br/>R/o. Nilaji village, Taluk-Raibag.</p> <p>1B. Sri Vivek S/o. Shrimant Patil<br/>Age: 54 years, Occ: Agriculture,<br/>R/o. Nilaji village, Taluk-Raibag.</p> <p>1C. Sou.Jayashree W/o. Vasant Ghorpade<br/>Age: 63 years, Occ: Household Work,<br/>R/o. Nadi Ingalgoan, Taluk-Athani,<br/>Belagavi.</p> |
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|                                                      | <p>1D. Sou. Sarala W/o. Narayan Patil<br/>Age: 51 years, Occ: Household Work ,<br/>R/o. Koral-mala Arag, Taluk-Miraj,<br/>District:Sangli.</p> <p>1E. Supriya W/o. Dhanajirao Jagadale<br/>Age: 62 years, Occ: Household Work ,<br/>R/o. Chipri, Taluk-Shirol,<br/>District:Kolhapur.</p> <p>1F. Sri Vishal S/o. Ganapatrao Patil<br/>Age: 34 years, Occ: Agriculture,<br/>R/o. Ghoti-Budruk, Taluk-Khanapur,<br/>District:Sangli</p> <p>1G. Sri Vipul S/o. Ganapatrao Patil<br/>Age: 32 years, Occ: Agriculture,<br/>R/o. Ghoti-Budruk, Taluk-Khanapur,<br/>District:Sangli</p> |
| <b>[For claimants by Sri.S.S.Pamadini, Advocate]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Vs.                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Respondents</b>                                   | <p>[1] The Hon'ble Principal Secretary,<br/>Government of Karnataka, Revenue<br/>Department (Land Acquisition 1 and 3), M.S.<br/>Building, Bengalure-1.</p> <p>[2] The State of Karnataka,<br/>Represented by Deputy Commissioner,<br/>Belagaum.</p>                                                                                                                                                                                                                                                                                                                             |

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|                                                                          | <p>[3] The Special Land Acquisition Officer,<br/>The Assistant Commissioner Chikkodi.</p> <p>[4] The Deputy Chief Engineer (construction)<br/>South-Western Railways Hubli.</p> |
| <b>[For Respondent No.1 to 3 by learned District Government Pleader]</b> |                                                                                                                                                                                 |
| <b>[For Respondent No.4 by Sri.B.R.Kapasi, Advocate.]</b>                |                                                                                                                                                                                 |

**Order on I.A No.I filed Under Order XXII Rule 9  
read with section 151 of C.P.C and Section 5 of  
Limitation Act.**

The counsel for claimant has filed I.A.No.I under order XXII Rule 9, read with section 151 of C.P.C and 5 of Limitation Act seeking permission to amend the petition and praying to condone the delay in filing the application as sought in the I.A.No.I.

2. The counsel for claimant has filed affidavit in support of I.A.No.I, stating that his father had filed reference application for enhancement of the compensation amount against the award of the S.L.A.O, Chikodi for acquiring their land for the purpose of Kudachi-Bagalkot new broad-gauge line. That his father expired on 24.12.2023 leaving behind the legal heirs,

proposed claimant no.1A to 1G as mentioned in his application and it is just and necessary to bring them on record in order to adjudicate the matter. That he has filed application to bring them on record. Therefore this Court be pleased to condone the delay and simultaneously have filed application for setting abatement aside. Hence it is humble prayer that legal heirs be brought on record and accordingly, prayed to amend the petition.

3. The **respondent No.1 to 3 have filed objection** to the said application stating that the application filed by the claimant under section 5 of Limitation Act is misconceived, misleading and untenable either in the eyes of law and on the fact. That the facts narrated in the affidavit, in support of the application under the objection, are absolutely false and the same are specifically denied by respondents. That the contents of the affidavit are clearly disclosing the bad and dishonest intention of the claimant to extort the money from the Government without reasonable cause after lapse of more than 2 years from the death claimant. That the claimant has come with false and created story under the present

application without any reason. That reasons assigned to condone the delay in the affidavit are not supported by any documentary evidence. That the delay caused in filing the application under the objection are not properly explained. Hence, prays for rejection of the said application.

4. The points for consideration are:

1. Whether the claimants have made out grounds for allowing I.A.No.I seeking amendment ?
2. What order ?

5. Heard both sides on the application.

6. The findings of this Court on the above points are as under :

**Point No.1** : In the **Affirmative**,

**Point No.2** : As per the final Order

for the following:

### **REASONS**

7. **Point No.1** : On considering all the papers on record, it can be seen that the claimants have filed this application under order XXII Rule 9, read with section 151 of C.P.C and 5 of Limitation Act, number as I.A no.1

seeking permission to amend the petition and praying to condone the delay in filing the application.

8. The arguments of counsel for claimant is that father of claimant had filed reference application for enhancement of the compensation amount against the award of the S.L.A.O, Chikodi and that he has expired on **24.12.2023** leaving behind the legal heirs, proposed **claimant no.1A to 1G** on record in the final disposal of the case.

9. The **argument of counsel for respondent No.1 to 3** is that the facts narrated in the affidavit are absolutely false and are with dishonest intention to extort the money from the Government. Further argued that without reasonable cause after lapse of more than 2 years from the death claimant, this application is filed and the same may be rejected.

10. Having heard the arguments and taking into consideration of the facts and circumstances of the case, this Court is of the opinion that the proposed amendment is neither intentional nor deliberate, but for the bonafide reasons. Further on perusal of death extract

it discloses that Shrimant Babu Patil has expired on 24.12.2023 and the application I.A no.1 is filed on 03.09.2025 after around 1 years 8 months. The reasons signed for amendment and condoning the delay by the claimant no.1B shows that it is neither intentional nor deliberate. Hence, this Authority is of the opinion that the claimant has made out grounds to allow this application. Hence, Point No.1 is answered in the **Affirmative.**

11. **Point No.2** : In view of the foregoing observations and discussion, this Authority proceeds to pass the following :

### **ORDER**

**I.A No.I** filed under order XXII Rule 9 r/w section 151 of C.P.C, section 5 of the Limitation Act by the claimant No.1B is hereby **Allowed.**

Claimant No.1B is permitted to carry out the amendment as sought for in the application and is directed to file an

amended petition on or before the next date  
of hearing.

(Dictated to the Stenographer directly on the computer, the same is corrected,  
signed by me and then pronounced in the open Court, this the **15<sup>th</sup> day of  
November, 2025.**)

**(Sandhya S.)**  
IV Addl. District and Sessions Judge,  
Belagavi.