



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

R.A.No.43/2025

DATED THIS 16th DAY OF FEBRUARY-2026

- Appellants:
1. The Executive Engineer,
Karnataka Neeravari Nigam Ltd.,
G.RBC Div No.2, Hidkaldam, Tq: Hukkeri.
 2. The Assistant Executive Engineer,
Karnataka Neeravari Nigam Ltd.,
Sub Div Ghataprabha

V/s

- Respondents:
1. Chandrappa S/o. Shivanagouda Kabadagi,
Age: 61 years, Occ: Agriculture,
R/o: Shivapur (Konnur),
Tq: Gokak, Dist: Belgaum.
 2. Basavaraj S/o. Ningappa Kabadagi,
Age: 48 years, Occ: Agriculture,
R/o: Shivapur (Konnur),
Tq: Gokak, Dist: Belgaum.
 3. Govt. of Karnataka, Reptd by
D.C. Belagavi.

PARTIES TO I.A.No.I FILED U/s 5 OF LIMITATION ACT

Applicants: 1. The Executive Engineer,
Karnataka Neeravari Nigam Ltd.,
GRBC Div No.2, Hidkaldam.

.....Applicants/Appellants

Vs.

Opponents: 1. Chandrappa S/o. Shivanagouda Kabadagi
and others.

.....Opponents/Respondents

ORDERS ON I.A.No.I FILED U/s 5 OF LIMITATION ACT

The appellant filed this present application U/s 5 of Limitation Act filed at I.A.No.I praying to condone delay of 334 days in filing this appeal.

2. In the accompanying affidavit, the Executive Engineer KNNL/GRBC Division No.2 Hidkaldam, taluka Hukkeri contended that aggrieved by the judgment and decree passed in O.S.No.243/2019 they have filed this present appeal. The trial court decreed the suit on 06.08.2024 there after their counsel applied the certified copies of the judgment and decree on 07.08.2021 same was supplied to them on 20.09.2024. Immediately their counsel submitted the same

along with his opinion to his higher authorities i.e., M.D. (CAO) KNNL Dharwad for further needful. Based on the said opinion the legal cell has opined to prefer an appeal and thereby accorded permission to file this appeal by letter dated 30.08.2025. Further submitted that to accord the permission from the higher authority the file as to pass through several tables in such circumstances delay is caused for movement of the file. Further there department being irrigation concerned department they are having responsibility to let water in canal and also maintain the water supply properly to the public as such, their office was having busy schedule and it is not possible for him to follow up the matter and consult his counsel to give instructions for filing appeal and also due to shortage of staff there are hurdles for him to file this present appeal. Further contended that in several LAC matters pertaining to KNNL as per New Land Acquisition Act, 2013 most of the authorities have passed award from higher side being aggrieved by the judgment and award passed by the various authorities the KNNL was filed MFA before Hon'ble High Court of Karnataka which were dismissed on technical grounds. Hence, they have taken decisions to approach the

Hon'ble Supreme Court of India in this process their entire legal cell was busy in preferring the SLP before Hon'ble Supreme Court of India. Due to pressure of work and shortage of staff they could not able to file the appeal well within the time. The delay caused in preferring this appeal is not an intentional one and delay is caused due to circumstances beyond their control. If the delay is condoned no loss or injury will be caused to the other side. If not they will be put to irreparable loss and injury. Hence, prayed to allow the application.

3. The respondent No.2 filed objections to this application by denying entire contention of the appellant. Further they contended that the entire unit of KNNL is working under single head with full forum of subordinate officials. The procedure of filing appeal in KNNL based on opinion given by their counsels more over the entire staff of the KNNL is perfectly having sound legal knowledge and common sense coupled with an independent legal cell involvement. The reason stated in the affidavit are clearly reveals the negligent act of the department and the law never supports such

negligent acts of the parties in condoning the delay. Further contended that there are several branches dealing their independent responsibility and especially the legal matter the independent legal cell is handling the same and the delay is cause preferring this appeal is abnormal and no justifiable explanation is given to condone the delay. The appellant have not made out any grounds to condoned the delay if the application is not allowed no hardship or loss will be cause to the appellant otherwise they will be put to irreparable loss and hardship. Hence, prayed to reject the application.

4. Heard both side. Perused the application and records.
5. The points that arise for my consideration are as follows:

- 1. Whether appellant has made out ground to condone delay of 334 days in preferring this application?**

- 2. What order?**

6. My findings on the above Points are:

Point No.1:- In the Affirmative

Point No.2:- As per final order

for the following:

REASONS

7. **Point No.1:-** This present appeal is filed by the appellant aggrieved by the judgment and decree passed in O.S.No.243/2019 dated 06.08.2024 the appeal has to filed within 30 days from the date of judgment and decree. The appellant contended that after passing the judgment their counsel obtained the certified copies of the judgment and submitted his legal opinion to their higher authority i.e., M.D.(CAO) KNNL and thereafter their higher authorities have accorded permission to prefer the appeal but there are several awards were passed by the competent authorities as per the New Land Acquisition Act and their entire legal cell is engaged in preferring the appeal before the Hon'ble Supreme Court of India for dismissal of the various MFA's on technical grounds as such, delay is caused in preferring this appeal.
8. In support of the contention of the appellant, the appellant has produced number of correspondences made by their officials to their counsels. By perusing the same it goes to

shows that the legal cell of appellant department was busy in preferring the appeals before Hon'ble Appellate Court of India against the order passed by the Hon'ble High Court of India in various MFA's and further the appellant is a government authority and it has got several branches and the legal opinion sent by their counsel has to passed through the several officials and they will decide to prefer the appeal or not, meanwhile the delay is cause in filing this appeal and the delay is not intentional one. The reasons stated in their affidavit and the documents which produced by the appellant clearly goes to shows that the delay is not intentional one but due to engage of their legal cell in handling the various matters. If the delay is condone it will not cause any loss or hardship to the respondent. If not definitely it will cause loss and injury to the appellant and it will also among to denial of their right to prefer this appeal. Hence, I am of the consider view that the delay cause in preferring this appeal is to be condoned. Hence, **I answered the above point in the Affirmative.**

9. **Point No.2:-** For the aforesaid findings, I proceed to pass the following;

ORDER

The application filed by the appellant
U/s 5 of Limitation Act filed at I.A.No.I is
hereby allowed.

The delay of 334 days in preferring this
appeal is hereby condoned.

Call for appellant argument by
23.03.2026.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 16th day of February, 2026.)

(Umesh S. Atnure)
Prl. Senior Civil Judge Gokak.