

KACM200001552021



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.
B.A., LL.B.,
Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 2nd September - 2025

R.A.No.13/2021

- Appellants:-
1. Smt. Kariyamma,
W/o Late Hanumanthappa,
Aged About 77 years,
House-wife,
 2. Sri. Govindappa,
S/o Late Hanumanthappa,
Aged about 62 years,
Agriculturist,
 3. Sri. Dasegowda,
S/o Late Hanumanthappa,
Aged About 56 years,
Agriculturist,
 4. Sri. Lakshmana,
S/o Late Hanumanthappa,



- Aged About 54 years,
Agriculturist,
5. Sri. Rajappa,
S/o Late Hanumanthappa,
Aged about 50 years,
Agriculturist,
 6. Sri. Thimmegowda,
S/o Late Hanumanthappa,
Aged about 48 years,
Agriculturist,
 7. Sri. Basavarajappa,
S/o Late Hanumanthappa,
Aged About 46 years,
Agriculturist,
 8. Sri. Thammaiah,
S/o Late Hanumanthappa,
Aged About 42 years,
Agriculturist,

All are residents of
S.G.Koppalu Village,
Kasaba Hobli, Kadur taluk,
Chikkamagaluru District

(By: Sri. H.C. Rajashekar, Advocate).

V/s

Respondents:-

1. Smt. Ammayamma,
W/o Late Hanumanthappa,
Dead,



2. Sri. Prasanna,
W/o Late Krishnamurthy,
Aged about 23 years,
Agriculturist,

3. Sri. Srinivasa,
S/o Late Krishnamurthy,
Aged about 21 years,
Agriculturist,

Respondents No.2 and 3 are
R/at K.H.Koppalu Village,
Kasaba Hobli, Kadur taluk.

4. Smt.Gowramma,
W/o Shekarappa,
Aged about 50 Years,
House-wife,
R/o Dogehalli village,
Birur Hobli,
Kadur Taluk,
Chikkamagaluru District.

(Respondent No.1 – Dead)

(Respondents No.2 and 3 by: Sri. U. Suresh, Advocate).

RANK OF THE PARTIES ON I.A.NO.I

Applicants/
Appellants

: Smt. Kariyamma & others.

V/s

Opponents/
Respondents.

: Smt. Ammayamma & others.



i	<i>Provision under which the application is filed</i>	<i>U/S V of the Limitation Act.</i>
ii	<i>Relief sought for</i>	<i>Condone the delay</i>
iii	<i>The date on which the application is filed</i>	<i>26.02.2021.</i>
iv	<i>Number of the applications</i>	<i>1</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>Not filed</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>02.09.2025.</i>

At the time of filing of appeal, the appellants have filed IA No.1.

ORDERS ON I.A.I

This interim application has been filed by the appellants under Section V of the Limitation Act seeking to condone the delay of 236 days in preferring this appeal.

2. This application is accompanied by an affidavit filed by the 2nd appellant for himself and also on behalf of other appellants. The gist of the application averments is that the appellants are challenging the legality of judgment and decree in OS No.173/2018, dated 03.07.2020 and they have obtained the duly certified copy of the same on 10.09.2020. Due to Covid-19, the civil courts were closed and also due to non-availability of advocates, the appellants could not



contact their counsel in-time to prefer this appeal. There is a delay of about 236 days in preferring this appeal and it is contended that for the aforesaid bonafide reasons, they could not file appeal in-time and accordingly, sought to condone the same.

3. The respondents have not filed any objections to this IA.

4. Heard Sri.HCRS for applicants. Perused the case records.

5. The points that arise for consideration are as follows:

1. Whether the appellant has shown good cause for condoning the delay of 236 days in preferring this appeal?

2. What order

6. The above points are answered as follows:

Point No.1 - In the Affirmative;

Point No.2 - As per final order,
for the following;



R E A S O N S

7. **Point No.1:-** The appellants under this application have sought for the condonation of delay of 236 days in preferring this appeal by contending that they have obtained the duly certified copy of judgment and decree of the trial court on 10.09.2020 and due to existence of Covid-19 pandemic and closure of courts and also due to non-availability of advocates, the appellants could not prefer this appeal in-time. In support of their contentions, the appellants have also produced the certificate which discloses that the 2nd appellant herein was infected with Corona virus and was under home quarantine from 06.05.2021 to 20.05.2021. It is a known fact that during March-2020, the Covid pandemic wide-spread all over the world and there are closure of courts, restrictions in movement as well as restrictions in the courts for the entry of the litigants. All these factors are essential to be taken into consideration in order to condone the delay in preferring this appeal. The duration is not a criteria, but such duration of delay should be satisfactorily explained by the appellants and in consideration of the



discussions held above, it is apparent that due to Covid-19 pandemic effects, the appellants could not file this appeal in-time. Thus, the delay in preferring this appeal has been satisfactorily explained and it has to be held that the appellants have shown goods cause for not preferring this appeal in-time. Accordingly, **the point under consideration is answered in the Affirmative.**

8. **Point No.2:-** In view of findings on the foregoing point, the following:

ORDER

I.A. No.1 filed by the appellants under Section V of the Limitation Act is allowed.

No order as to costs.

The delay in preferring this appeal is condoned.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 2nd day of September-2025)

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.