

**IN THE COURT OF THE 1st ADDL. SENIOR CIVIL JUDGE
& JMFC, AT: RANEBENNUR**

:: Present ::

Sri Balmukund R. MutalikDesai,

B.A. LL.B. (Spl)

1st Addl. Senior Civil Judge & JMFC,
Ranebennur.

R.A. No.23 of 2025

Dated this 27th day of April – 2026

Appellant :

(Ori.Deft No.4)

Parameshappa S/o Ramappa Medleri,
R/o: Makaanur, Tq: Ranebennur,
Dist:Haveri.

//Vs//

Respondents:

Kenchamma W/o Suresh Medleri,
R/o: Kariganuru, Tq: Channagiri,
Dist: Davanagere. And others.

PARTIES IN IA NO. I

Applicant:

(Appellant)

Parameshappa S/o Ramappa Medleri.

(Applt By Sri. B.R. Madivalar., Adv.,)

V/s

OPPONENTS:

(Respondents)

Kenchamma W/o Suresh Medleri
and others.

(R.1 By Sri S.J.G., Adv.,)

(R.3 By Sri H.S.B., Adv.,)

(R.2, 4 to 10 Exparte)

ORDER ON IA NO.I

The counsel for appellant filed this application U/Sec.5 of Limitation Act to condone the delay of 1520 days in filing the appeal.

2. The notice of IA No. I was served to respondents. Respondents No.1 and 3 appeared through their counsel and respondent No.3 filed objections to the said application. Even through the notice served to respondents No.2, 4 to 10. But, they did not appear and they were placed absent.

3. Thereafter, the appellant was examined as PW-1 and he got marked three documents.

4. Heard the arguments.

5. Now points that would arise for my consideration are as under :-

1. *Whether the appellant has shown sufficient cause for condoning delay in filing the present appeal?*

2. *What order?*

6. My findings on the above points are as under :-

Point No1: In the affirmative

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

REASONS

7. Point No.1:- Respondent No.1 filed OS No.251/2014 before learned Additional Civil Judge and JMFC, Ranebennur for the relief of partition and separate possession and same was decreed on 19-07-2018. Aggrieved by the same appellant who was defendant No.4 has filed present appeal.

8. The appellant in his application stated that, due to Covid-19 pandemic it was not possible for him to contact his counsel. Moreover, during the pendency of the suit his counsel expired. Due to which he was unable to know the proceedings in the suit. Further, he is a disabled person with 100% blindness. Hence, it was not possible for him to contact his advocate. Hence, delay was caused to file the appeal.

9. The appellant was examined as PW-1 and he has reiterated the averments made in the application and also marked Ex. P1 to 3 documents. PW-1 was cross examined by respondent No.1. But nothing worth came out of mouth of this witness to deny his claim.

10. On perusal of application and evidence led in support of IA No.1, I am of the view that, appellant has shown sufficient cause to condone the delay. The reasons assigned in the application are proper to condone the delay. Further, to prove his physical disability appellant produced disability certificate issued by the Chief Medical Officer, Haveri which is marked at Ex. P1. On perusal of Ex. P1 it shows that, appellant is 100% blind. Appellant also produced Ex. P2 pension order passed by the Deputy Tahasildar, Kuppeluru. Ex. P1 and 2 documents shows that, appellant is a blind person and receiving pension from the Government. Moreover, our own Hon'ble High Court in a decision reported in **ILR 1988 Karnataka 98 (Ravi Namdev Kavale and Others v/s Kittaswami and Others)** observed that:

“No person should be deprived of the legal remedies because of economic or other disabilities. Illiteracy is also disability and the consequential ignorance of law of Limitation can be said to be a disability of the person as the economic disability”.

11. Hence in view of above referred decision I am of the view that, appellant has made out grounds to condone the

delay. Hence without much discussion, I answer **point No.1 in affirmative.**

12. Point No.2:- For the foregoing reasons, I proceed to pass the following:-

ORDER

The application filed by the appellant
U/Sec.5 of Limitation Act is hereby
allowed. Subject to payment of costs of
Rs.250/- to the respondents No.1 and 3.

The appeal filed by appellants is
hereby posted for arguments.

Call for TCR.

(Dictated to the steno directly on computer, typed by him, corrected by me and then pronounced in the open court on this 27th day of April 2026)

(Sri. B.R. MutalikDesai)
1st Addl. Senior Civil Judge
& JMFC, Ranebennur.

**(Order pronounced in the open court
vide in separate order)**

O R D E R

The application filed by the appellant
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**(Sri. B.R. MutalikDesai)
1st Addl. Senior Civil Judge
& JMFC, Ranebennur.**