



**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT MYSURU**

Dated this the 27th day of September 2025

Present: Sri D.Puttaswamy, B.A., LL.B.
I Addl. Dist. & Sessions Judge
Mysuru.

: LAC(APPL)/200/2024 :

Appellant/s : 1. Sri C.B. Basavaraju S/o Late
Basavaiah, aged about 70 years.
2. Sri Puttaswamy S/o Late
Basavaiah, aged about 82 years.
Both are R/o Choranahalli Village,
Varuna Honli, Mysuru Taluk/Dist.
(By **Sri Lokesha, Adv.**)

V/s.

Respondent/s : The Special Land Acquisition
Officer, MUDA, J.L.B Road,
Mysuru.

(Absent)

Parties to I.A.No.I

Applicant/Appellant Sri Puttaswamy
2nd Appellant

V/s.

Opponent/ Respondent The Special L.A.O., MUDA,
JLB Road, Mysuru.
Respondent

ORDERS ON I.A.I

I.A.No.I is filed by the appellants U/sec.5 of Limitation Act seeking an order to condone the delay of 5011 days in preferring the appeal in the interest of justice and equity.

2. In the accompanying affidavit to IA No.I, the appellant No.2 has stated that they have preferred the appeal against the Judgment and decree passed in LAC No.650/2004 dated 08.07.2010 on the file of IV Addl. Senior Civil Judge and C.J.M, Mysuru. The Trial Court has not fixed the market value of the property to their acquired land. The Appellate Court has fixed the market value in LACA No.272/2005 and awarded compensation at Rs.17,67,767/-, who is their neighbouring land holder. They are poor and helpless persons and could not able to prefer the appeal within stipulated time, as they were not aware of the legal procedure. Recently they came to know about the higher compensation awarded by the Appellate Court through other land losers. They have lost their valuable land for public purpose. There is delay in preferring the appeal and accordingly, he has prayed to allow the application.

3. After giving sufficient opportunities, the respondent has not appeared before the Court and remained absent. The appellant No.2 is examined as PW1, but no documents are got marked.

4. Heard the arguments of learned counsel for appellants and I have perused the records.

5. In view of the above facts and circumstances, the points that arise for my consideration are:

1. Whether the appellants have made out sufficient grounds to condone the delay as prayed in IA.No.I?

2. What order?

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

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

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

REASONS

7. **Point No.1**: The above appeal is preferred by the appellants U/sec.54 of Land Acquisition Act, 1894 to set

aside the judgment and decree passed in LAC No.650/2004 dated 08.07.2010 on the file of IV Addl. Senior Civil Judge, C.J.M, Mysuru and to modify the award and re-fix the market value to the acquired land of appellants with all other statutory benefits.

8. Appellant No.2 who is examined as PW1 in the accompanying affidavit to I.A.No.I specifically deposed that, the Appellate Court in LACA No.272/2005 has enhanced the market value of the acquired land, who is their neighbouring land holder. Both the lands are situated at same Village. Since they have no proper information, they couldn't prefer the appeal within the stipulated time and due to financial crisis, they could not contact their counsel. Recently, they came to know about the higher compensation awarded by the Court through other land losers. They have lost their valuable land for public purpose.

9. The learned counsel for appellants submitted that the delay in preferring the appeal is not intentional, but for bona-fide reasons. Due to lack of legal knowledge, they were not aware about preferring appeal in time. Recently, they came to know about award of enhanced compensation to

the adjoining land losers and therefore, contacted their counsel and filed the appeal. If the delay is not condoned appellants will be put to much injustice and hence prayed to allow the application.

10. In view of the above submissions, it is necessary to rely upon the following decisions on the point of condonation of delay;

1. ILR 2017 KAR 3368 (Waheed Patel, since deceased by his LR's V/s. The Chief Engineer, Gulbarga and others).
2. Judgment dated 25.03.2014 passed by Hon'ble High Court of Karnataka, Dharwad bench in MFA.No. 25092/2012(LAC) (Somashekar V/s. The Special Land Acquisition Officer).
3. Order dated 19.07.2017 passed by the Hon'ble Supreme Court of India in Civil Appeal No.9288/2017 (K.Subbarayudu & others V/s. The Special Deputy Collector).

11. In the above decisions, the Hon'ble Apex Court and also the Hon'ble High Court of Karnataka by considering illiteracy, financial crises and other constraints of the land losers, have condoned the delay in preferring the appeal

under the principle of equity, but have held that, equities can be balanced by denying the interest for the period of delay.

12. In this case, as noted above there is delay of 5011 days in preferring the appeal. Admittedly, this is an appeal filed under the provisions of Land Acquisition Act, seeking modification and re-fixing of market value for the acquired land of the appellant based on the award passed for higher compensation in favour of adjoining land losers. But, the respondent remained absent. As per the principle laid down in the above decisions, it is well settled law that the Courts should be liberal in condoning the delay, particularly in the matter of present nature, where the farmers who are land losers are before this Court, seeking enhancement of compensation. Therefore, looking to the facts and circumstances of the case and by following the principles and guidelines laid down in the above decisions, if the delay in preferring the appeal is condoned with a condition that appellants are not entitled for interest for the period of delay, it will meet the ends of justice. Therefore, I answer Point No.1 in the **Affirmative**.

13. Point No.2: In view of my answer to point No.1 in the "***Affirmative***", I proceed to pass the following:

ORDER

I.A.I filed under Section 5 of Limitation Act is allowed. Delay of 5011 days in preferring the appeal is condoned.

However, the appellants are not entitled for the interest for the period of delay.

[Dictated to the Stenographer on Computer, typed script corrected and pronounced by me in the Open Court on this the **27th** day of **September 2025**]

[D.Puttaswamy]
I Addl. District & Sessions Judge,
Mysuru.