

KAMS010040362022



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

Dated this the 27th day of January 2026

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

: LAC(APPL)/146/2022 :

Appellant/s : Puttegowda S/o Late Jajjegowda,
aged about 76 years, R/o
Dadadahalli Village, Jayapura Hobli,
Mysuru Taluk/District.
(By **Sri Rajesha M, Adv.**)
V/s.

Respondent/s : The Special Land Acquisition
Officer, K.R.Project, Andholana
circle, Ramakrishna Nagara,
Mysuru.
(By Learned **DGP.**)

Parties to I.A.No.I

Applicant/
appellant Puttegowda Appellant

V/s

Opponent/
Respondent The Special L.A.O., Kabini
Reservoir Project, Mysuru.
Respondent

ORDERS ON I.A.I

I.A.No.I is filed by the appellant U/s.5 of Limitation Act seeking an order to condone the delay of 4527 days in preferring the appeal in the interest of justice and equity.

2. In the accompanying affidavit to IA No.I, the appellant has stated that he has preferred the appeal against the Judgment and decree passed in LAC No.157/2007 dated 13.01.2010 on the file of Prl. Senior Civil Judge and CJM, Mysuru. Since he was not aware of legal procedure and due to ill-health, he was not able to prefer the appeal within limitation period and accordingly, he has prayed to allow the application.

3. The respondent has appeared through learned DGP and filed objection to I.A.No.I contending that the application filed by the appellant is not maintainable either in law or on fact and liable to be dismissed. The appellant has not given any believable reasons to condone the delay and he had knowledge regarding Court order. The appeal is filed after lapse of many days. Even, appellant had not made out any prima facie case. The appellant has already received the

enhanced compensation amount in execution petition and filed the memo for fully satisfaction. Therefore, it is prayed to dismiss the application with cost.

4. The appellant is examined as PW1, but no document is marked. The respondent has not chosen to adduce any evidence.

5. Heard the arguments of learned counsel for appellant and learned DGP for respondent. I have also perused the records.

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

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

2. What order?

7. 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

8. **Point No.1:** The above appeal is preferred by the appellant U/sec.54 of Land Acquisition Act, 1894 to set aside the judgment and decree passed in LAC No.157/2007 dated 13.01.2010 on the file of Prl. Civil Judge (Sr. Dn) and CJM, Mysuru to modify the award and to fix the market value to the acquired land of appellant along with all other statutory benefits.

9. Appellant who is examined as PW1 in his evidence has reiterated the averments made in the accompanying affidavit to I.A.No.I and specifically deposed that, he is the owner of lands bearing Sy.No.113/2 and 113/3 measuring 0.6.25 guntas situated at Dadadahalli Village, Jayapura Hobli, Mysuru Taluk, the said land has been acquired by the respondent for the purpose of Varuna Canal. The LAO has the awarded compensation, which is not in accordance, based on application filed U/Sec.18 of Land Acquisition Act, the Prl. Civil Judge (Sr. Dn), Mysuru has fixed market value of the land at Rs.4,55,500/- per acre. The compensation awarded by the reference Court is very

less and he couldn't prefer this appeal within the stipulated time due to his personal reasons. Recently, he came to know about the higher compensation awarded by the IV Addl. Civil Judge (Sr. Dn), Mysuru in LAC No.46/2017 through other land losers. During cross-examination, PW1 states that, he had received compensation. His neighbouring land owners awarded higher compensation. He denied that since there are no reasonable grounds are urged for condoning the delay in preferring the appeal, he is not entitled for enhanced compensation.

10. The learned DGP for respondent submitted that the appellant has already received compensation as per award passed by the Trial Court. The appellant during the cross-examination admitted that, he had already received the compensation. When once the appellant has received compensation amount as per award passed in LAC case, question of preferring appeal doesn't arise. Further, there is huge delay in preferring the appeal and no reasonable grounds are made out for condoning the delay and accordingly, prayed to dismiss the application.

11. The learned counsel for appellant submitted that the delay in preferring the appeal is not intentional, but for bona-fide reasons. Due to lack of legal knowledge, he was not aware about preferring appeal in time. Recently, he came to know about award of enhanced compensation to the adjoining land losers and therefore, contacted his counsel and filed the appeal. If the delay is not condoned appellant will be put to much injustice and hence prayed to allow the application.

12. 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).

13. 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.

14. In this case, as noted above there is delay of 4527 days in preferring the appeal. Admittedly, this is an appeal filed under the provisions of Land Acquisition Act, seeking modification and 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, other side have not placed any material to discard the evidence of PW1 either by producing any oral or documentary evidence. 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 appellant is 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**.

15. **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 4527 days in preferring the appeal is condoned.

However, the appellant is 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 January 2026]

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