

KAMS010094762025



**IN THE COURT OF THE II ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 2nd day of May 2026

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

LAC(APPL)/106/2025

APPELLANT ::

Chikkahanumamma
Dead by his Lrs

1. Mari Chikkamma,
D/o Late Siddaiah,
Aged about 60 years.

2. Chandramma,
D/o Late Siddaiah,
Aged about 55 years.

R/at Rammanahalli Village,
Kasaba Hobli,
Mysuru.

(By Sri M.G., Adv.,)

V/s

RESPONDENT ::

The Special LAO, K.R.Project,
1st Floor, MUDA Complex,
Near Andolana Circle,
I block, Ramakrishna Nagara,
Mysur – 570 022.

(By - ADGP.,)

Parties to the I.A.

APPLICANT/S : Marichikkamma,
.....Appellant No.1

V/s

OPPONENT : Special LAO, Mysuru,
..... Respondent

**ORDERS ON IA UNDER SECTION 5 OF LIMITATION
ACT**

This Appeal is filed U/Sec.54 of the Land Acquisition Act, challenging the Judgment and Decree dated 07.12.2004 of LAC.No.519/1998 passed by the I Addl. Senior Civil Judge, Mysuru.

2. The brief facts of the case is as hereunder ;

It is the contention of the Appellants that, their father was the owner of land bearing Sy.No.128/2 measuring 8 guntas situated at Rammanahalli Village, Varuna Hobli, Mysuru Taluk, same is acquired for the purpose of formation of Varuna Channel. It is the case of the Appellants that, order of the Trial Court is

opposed to law. Hence being aggrieved by the impugned Judgment and Decree dated 07.12.2004 the Appellants have preferred the appeal among other grounds.

3. Vide IA under Sec.5 of the Limitation Act the Appellants prayed to condone the delay in preferring the appeal. In support of the application, the Appellant No.1 has sworn to an affidavit and prayed to read the grounds urged in the appeal memo as part and parcel of the affidavit. It is her contention that, as they were not knowing about the acquisition proceedings and their Advocate also not informed them about the case, recently they came to know about higher compensation awarded to the owners of their neighboring land. Thereafter immediately they obtained certified copies and filed present appeal. Hence it is necessary to condone the delay in filing appeal.

4. Heard. Perused the entire case record.

5. The only point that arises for my consideration is :

1. Whether the application filed by the Appellant U/Sec. 5 of the Limitation Act deserves to be allowed?

2. What Order ?

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

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

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

REASONS

7. **POINT NO.1:** During inquiry, the Appellant No.2 has sworn to affidavit and the same is treated as evidence of PW-1, wherein she has reiterated the grounds urged in the affidavit filed in support of the application filed under Sec.5 of the Limitation Act and prayed to read the appeal grounds as part and parcel of the evidence. It is Appellants' contention that, as

they were aware about the proceedings before the Trial Court, their Advocate also not informed them about the pendency of the proceedings recently when they came to know about awarding compensation of Rs.17,30,000/- to their neighboring land owners in LACA 328/2024, they obtained certified copies and filed present appeal with application to condone the delay.

8. By taking into consideration of the grounds urged by the Appellants, it appears that though the reasons assigned may not be fully justifiable the long delay, what is necessary to be kept in view is that similarly placed landlords have been granted a higher compensation and the Appellants are also seeking a similar compensation, hence, there is necessity to condone the delay in preferring the appeal subject to the condition that the Appellants are not entitled for interest for the said delayed period. With this observation, this Court is of the opinion, the

Appellants herein have made out a ground to allow the application filed U/Sec.5 of Limitation Act. Accordingly, I answered Point No.1 in the **Affirmative**.

9. **POINT NO.2**:- In the result, I proceed to pass the following :

ORDER

The application filed U/Sec.5 of the Limitation Act is hereby **ALLOWED**, subject to the condition that the Appellants are not entitled for interest for the said delayed period in preferring the Appeal, in case the Appellants succeed in Appeal.

No order as to cost.

[Dictated to the Stenographer Gr-III, directly on computer, corrected and then pronounced by me in the open Court on this the **2nd day of May 2026**]

[Mallanagouda]

II Addl. District & Sessions Judge,
Mysuru.