



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

PRESENT: **Sri. Aravindra B.C., B.A., L.L.B.,
Senior Civil Judge & JMFC,
K.R.Nagar.**

Dated this the 04th day of August, 2026

R.A. No.25/2025

Appellant : Sri. Kantharaju

-V/s-

Respondent : Sri. Karigowda

Parties to I.A.No.II

Applicant : Sri. Kantharaju,
S/o Javaregowda,
Aged about 50 years,
R/at: Chikkakoppalu village,
Chunchanakatte Hobli,
Saligrama Taluk,
Mysuru District.

..... Appellant

(By Sri. H.R.A., Adv.)

-V/s-

Opponent : Sri. Karigowda,
S/o Late Sannegowda
@ Kalegowda,
Aged about 51 years,



R/at: Doddakoppalu village,
Chunchanakatte Hobli,
Saligrama Taluk,
Mysuru District.

**..... Respondent
(By Sri. G.L.D., Adv.)**

Provision under which the application is filed	Under Section 5 of Limitation Act.
Relief Sought For	Praying to condone the delay of 18 days
The date on which the application is filed	02.05.2025
Number of the application	IA No.II
The date on which the objections are filed by the different opponents	18.12.2025
The date on which the orders were passed on the said application	04.08.2026

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC.,
K.R.NAGAR.**

ORDER ON IA.No.II

The appellant/applicant has filed the present application under Section 5 of Limitation Act praying to



condone the delay of 18 days in filing of the present appeal.

2. In the affidavit which enclosed to application it is stated that, the plaintiff/respondent has filed original suit in OS No.42/2015 for the relief of declaration of title and perpetual injunction. The said suit was decreed on 14.02.2025. Due to his ill health and his old aged disease, he could not preferred appeal within time. If the application is not allowed, the appellant will be put to suffer undue hardship and irreparable loss. On the other hand, if the application is allowed, no harm will be caused to the other side. Accordingly, he prays for allow the application.

3. On the other hand, the respondent has filed objection and contended that the appellant has not given sufficient cause to condone the delay as alleged by the



application. Hence, the present application is not maintainable and the appellant has not come before this court with clean hands. Accordingly, he prays for reject the application.

4. Heard the arguments of learned advocate for the appellant and respondent and perused the relevant material available on record.

5. The following points have arisen for the consideration of this Court.

1. Whether the appellant has made out proper and sufficient grounds to condone the delay of 18 days in filing of the appeal ?

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:-** It appears that the appellant has filed this appeal challenging the judgment and decree passed in O.S.No.42/2015 dated 14.02.2025 by the Addl. Civil Judge and JMFC, K.R.Nagar. Thereafter this appeal is filed on 02.05.2025. As per Article 116(b) of Limitation Act the appeal has to be preferred within 30 days from the date of decree. Therefore, there is a delay in preferring this appeal about two months and eighteen days.

8. Further, it is submitted by the appellant that the plaintiff/respondent has filed original suit in OS No.42/2015 for the relief of declaration of title and perpetual injunction. On contest, the said suit was decreed on 14.02.2025. Due to his ill health and also old aged disease, he could not preferred appeal within time. The appellant has produced the medical certificate in this



regard. Admittedly, the present suit was disposed on 14.02.2025 and the appeal was preferred on 02.05.2025. In view of the reason, the appellant has made sufficient cause to condone the delay. Accordingly, the application filed by the appellant needs to be allowed. **Accordingly, this court answered point No.1 is in the Affirmative.**

9. **Point No.2**:- For the reasons stated above, this court proceed to pass the following:

ORDER

The I.A. No.II filed by the Appellant under Section 5 of Limitation Act is allowed on cost of Rs.1,000/-.

The delay in filing the appeal is condoned.

[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the 04th day of August, 2026]

(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC.,
K.R.NAGAR.