



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TUMAKURU.**

Present:

Sri B. Jayantha Kumar, B.A.LAW., LL.M.,
Prl. District & Sessions Judge,
Tumakuru.

Dated this the 19th day of March, 2024.

Civil Miscellaneous No.45/2022

PETITIONER:- Lakshminarayana

-VERSUS-

RESPONDENT:- Deputy General Manager,
M/s. Power Grid N.M. Transmission
Ltd.

Parties in I.A.No.I

APPLICANT:- Lakshminarayana

(By Sri K.N.Kumaraswamy,
Advocate)

-VERSUS-

OPPONENT:- Deputy General Manager,
M/s. Power Grid N.M. Transmission
Ltd.

(Absent)

1.	Provision under which the application is filed	:	U/Sec.5 of the Limitation Act.
2.	Relief sought for	:	Condone the delay in



			filing the civil miscellaneous petition
3.	The date of which the application is filed	:	07.02.2022
4.	Number of application	:	I
5.	The date on which the objection filed by the respondent	:	-
6.	The date on which the orders is passed on the said application	:	19.03.2024

**ORDER ON APPLICATION FILED U/SEC.5 OF THE
LIMITATION ACT**

This is an application filed by the petitioner U/Sec.5 of the Limitation Act seeking condonation of delay in filing this civil miscellaneous petition.

2. In support of this application, the petitioner filed affidavit and contended that the respondent have passed an award for acquisition of his land for lying electric wire on his property and said award amount is very meager amount, he is a rustic villager having no knowledge about filing this petition, so, he has not made any efforts to file this petition. Subsequently,



one of the villager told him about the provision of filing appeal before this court, hence, he contacted his advocate and taken advise but, not filed this petition in time due to COVID-19. Hence, delay in filing this appeal is bonafide and not intentional. He is having bit of land, which was acquired by the respondent and due to lying electric line, he is unable to grow crops in the said acquired land and also beside the said land and hence, sustaining huge loss and it is very much necessary to prefer this petition against the order of the respondent. If the delay is not condoned he will be put to much hardship, injustice and monetary loss, which cannot be compensated by any means. On the other hand, no prejudice would be caused to other side and hence, prayed for allowing the application.

3. In response to service of summons, the respondent remained absent.

4. The following points arise for my determination:



1. *Whether the petitioner/applicant has made out sufficient grounds to condone the delay in preferring this petition?*

2. *What order?*

5. In order to prove the case of the petitioner, petitioner himself examined as PW.1.

6. Heard the arguments of learned counsel for the petitioner.

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 petitioner had filed this civil miscellaneous petition being aggrieved by the award passed by the respondent for the acquisition of his land bearing Sy.No.29/3 measuring 1-10 Acres situated at Nagarjunahalli Village, Bellavi Hobli,



Tumakuru Taluk and for cut down of coconut trees, fruits bearing trees and crops grown in his land for the installation of over head electricity line under TBCB route sanctioned by the Government of India. As the respondent have laid down heavy gauge pole in his land, he unable to cultivate the crops in it and sustaining huge loss. The petitioner had received compensation amount at Rs.28,25,000/- and said amount is meager and the respondent authority has undervalued the estimation of loss incurred by the petitioner. There is inordinate delay in filing this civil miscellaneous petition and therefore, the petitioner filed this application U/Sec.5 of the Limitation Act seeking condonation of delay in filing this petition. It is contended that he is a rustic villager having no knowledge of filing this petition and after came to about filing civil miscellaneous appeal before this court, due to COVID-19, he could not meet his counsel in time in order to to file civil miscellaneous petition.



Hence, there is delay in preferring this petition. The delay is caused due to bonafide reason and not intentional one. If the application is not allowed, he will be put to irreparable loss and hardship, which cannot be monetarily compensated. Therefore, prayed for condonation of delay in preferring this petition. The petitioner stepped into the witness box and filed affidavit in lieu of chief-examination and reiterated the grounds urged in the petition filed U/Sec.5 of the Limitation Act.

9. Keeping in view the grounds urged by the petitioner in the application for condonation of delay and since, the petitioner is seeking higher compensation from the respondent, this court has to give sufficient opportunity to the petitioner to address his arguments and to urge his grounds made out in this petition. Therefore, it is just and proper to allow this application and condone the delay in preferring this petition. If application is not allowed, the



petitioner will be put to irreparable loss and hardship and hence, I am of the opinion that the petitioner has made out grounds to condone delay in preferring this appeal and accordingly, I answer **point No.1** in the ***Affirmative.***

10. Point No.2:- In view of my findings on point No.1, I proceed to pass the following:

ORDER

The application filed by the petitioner U/Sec.5 of the Limitation Act is hereby **allowed**.

Delay in filing this civil miscellaneous petition is condoned.

(Dictated to the Stenographer directly on computer and revised. Script corrected, signed and then pronounced by me in the open Court on this the 19th day of March, 2024).

(B. Jayantha Kumar)

Prl. District & Sessions Judge,
Tumakuru.

ANNEXURE:

Witnesses examined on behalf of the petitioners on I.A.No.I:

PW.1 : Lakshminarayana



Witnesses examined on behalf of the respondent:

- N I L -

The list of documents marked on behalf of the petitioner:

- N I L -

The list of documents marked on behalf of the respondent:

- N I L -

Prl. District and Sessions Judge
Tumakuru