

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,
KARKALA**

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 10th day of February, 2026.

F.D.P.No.29/2022

Sunitha Prasanna @ S. Prasanna and others .. Petitioners
Versus -
Panduranga Kini and others ..Respondents.
PARTIES TO I.A.NO.3

Gayathri Kamath .. Applicant/ respondent No.3
-Vs. -
Sunitha Prasanna @ S. Prasanna
and others ..Opponents/petitioners

i.	Provision under which the application is filed	Section 148 and 151 of CPC
ii.	Relief sought for	Receive objection by condoning delay
iii	The date on which the application is filed	02-02-2026
iv	Number of the application	IA No.3
v	The date on which the objections are filed by different opponents	04-02-2026
vi	The date on which the orders were passed on the said application.	10-02-2026

ORDERS ON I.A.NO.3 UNDER SECTION 148 AND 151 OF C.P.C.

Case was put up by the counsel for the respondent No.3, who files I.A.No.3 along with objection to main petition and also I.A.No.4 under Order 11 Rule 14 of CPC.

2. In the annexed affidavit, respondent No.3 deposes that her husband passed away on 16-08-2024 and was not in a position to instruct her counsel with regard to the objections to the main petition. That the delay is due to tragedy and prays to allow the application.

3. Per contra counsel for the petitioner also filed objections on the same day and submits that the long grief and trauma for 18 months cannot be believed. Accordingly prays to reject the application.

4. Heard from the counsel for petitioners and the counsel for the respondent no.3.

5. The following point arise for my determination.

“Whether there are sufficient grounds made out to receive the objection to main petition ?”

6. My answer to the above point is “in affirmative”, for the following

REASONS

7. This is the final decree proceedings , which is the continuation of the original suit in O.S.No.37/2014. That the 3rd respondent appeared on the very first date of hearing after service of

notice, but did not file any objection in the meantime. Now the present application along with objection to the main petition is filed by the respondent No.3. It would also be pertinent to note that the respondent No.3 had appeared on 15-2-2023, but did not file any objections till this date i.e., nearly for the past three years.

8. The 3rd respondent deposes that her husband passed away on 16-08-2024 and she was not in a position to instruct her counsel. There is no explanation by the respondent No.3 as to why she could not instruct her counsel from 15-02-2023 till 16-08-2024 i.e., for nearly 1 ½ years. Even prior to the death of her husband, she failed to appear before the court and file objection to the main petition. However, during the course of proceedings it was brought out that the 3rd respondent had also challenged the preliminary decree before the Hon'ble High Court of Karnataka, where the drawing up of final decree has been stayed. There is no stay order for continuation of the proceedings by this court .

9. The objection of the counsel for the petitioner is that the objection as raised by the 3rd respondent is not sustainable. The court can only know what are the objections and whether the said objections of the 3rd respondent can be considered or not is to be

decided only after taking the objections on record. Therefore this urge of the counsel for the petitioner does not hold any water.

10. Even the reason assigned by the 3rd respondent for not filing the objection to the main petition for nearly 3 years cannot be believed. However, without providing opportunity to the 3rd respondent, this court also cannot proceed. It also appears that the advocate court commissioner has issued notice to the parties. As per the oral submission of the counsel for the petitioner and the respondents, the court commissioner was to visit the property on Sunday. Memo was also filed by the counsel for the 3rd respondent to defer the visit of the court commissioner to the spot to divide the property. Therefore, the petitioner who was in the urge of getting the property, is really put to hardship and inconvenience. When the reason assigned would not be sufficient, the court is of the opinion that the 3rd respondent needs to be saddled with some cost of Rs.3,000/-. Accordingly holding that there are sufficient grounds to receive the objection of 3rd respondent to the main petition, the above point is answered in affirmative.

11. In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.3 filed by the respondent No.3 under Section 148 and 151 of C.P.C., is herewith allowed with cost of Rs.3,000/- .

The delay in filing objection to the main petition is condoned.

Objection of 3rd respondent to the main petition is received, subject to payment of cost of Rs.3,000/-.

For cost and to hear on IA No.4 -

(Dictated to the Stenographer, directly on computer, corrected and then pronounced by me in Open Court on this the 10th day of February, 2026.)

(SHARMILA C.S.)

Senior Civil Judge & ACJM, Karkala.