



Civil Misc No.183/2023

**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS
JUDGE, YADGIR.**

Dated this the **12th Day of March, 2026**

PRESENT

Sri.Marulasiddaradhya H.J.

B.A, LL.B.,LL.M

Prl. District and Sessions Judge,
Yadgir.

CIVIL MISC NO. 183/2023

Appellants:

Basamma & 4 others.

(By Sri. K.N.T., Advocate)

// Versus //

Respondents:

Bassanna & 8 others.

(By Sri.M.B.P., Advocate)

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ORDERS ON I.A.NO.1

The petitioners have filed this miscellaneous with delay of 95 days and filed I.A.No.1 with affidavit by stating that the delay is due financial inability and lack of knowledge. The



same is not intentional one and in case of refusal of the same he would put irreparable loss and injustice.

2) Respondents have filed objection by contending that the said application is not maintainable as the reason are not tenable to condone the delay, he know the dismissal of appeal but intentionally caused delay for filing the application for its restoration.

3) Heard both sides. Perused grounds of the application, affidavit and, objection on record.

4) The following points arise for my consideration;

1) Whether the applicant has shown sufficient cause to condone the delay of 95 days in filing this application?

2) What order?

5) 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

6) **Point No.1:** The applicant in his affidavit filed in support of the application stated that due to financial



difficulties he was not able to approach his counsel to file this miscellaneous application to restore the original appeal.

7) Even though the learned respondent counsel objected the said application as false. As the objections of the respondent could not be satisfied by the early disposal of the miscellaneous application and rejecting this application for condone of delay would cause irreparable loss to the petitioners to get his petition to be heard which has been filed for restoration of the original appeal could be defeated. Hence, petitioner has made out sufficient grounds to condone the delay of 95 days.

8) Hence, having sufficient grounds made out by the petitioners to condone the delay, I am of the opinion that I.A.No.1 filed U/Sec.5 of Limitation Act deserves to be allowed. Thus, I answer Point No.1 in **Affirmative**.

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



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ORDER

I.A.No.1 filed U/Sec.5 of Limitation Act by the appellants is allowed by condoning delay of 95 days in preferring this petition.

(Dictated to the Stenographer Grade-III transcribed, corrected it, taken out print, signed and then pronounced by me in the open Court on **12th day of March, 2026**)

(Marulasiddaradhya H.J.)
Pri. District and Sessions Judge,
Yadgir.