



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S RACHAIAH

REGULAR FIRST APPEAL NO. 1455 OF 2016 (PAR)

BETWEEN:

1. SMT. GOVINDAMMA
AGED ABOUT 63 YEARS
W/O CHIKKABBAIAH &
D/O LATE KUPPA,
R/AT RAMASAGARA VILLAGE,
ATTIBELE HOBLI,
ANEKAL TALUK,
BANGALORE DISTRICT-562 106
2. SMT RATHNAMMA
D/O GOVINDAMMA,
AGED ABOUT 45 YEARS
3. SRI VENKATESH
S/O GOVINDAMMA,
AGED ABOUT 43 YEARS
4. SMT CHINNAMMA
D/O GOVINDAMMA,
AGED ABOUT 40 YEARS
5. SRI YELLAPPA
S/O GOVINDAMMA,
AGED ABOUT 39 YEARS

APPELLANTS 2 TO 5 ARE





R/O RAMASAGARA VILLAGE,
ATTIBELE HOBLI,
ANEKAL TALUK,
BANGALORE DISTRICT-562 106

...APPELLANTS

(BY SRI. VARADARAJAN M S., ADVOCATE)

AND:

1. SMT. PACHAMMA
D/O LATE KUPPA,
AGED ABOUT 69 YEARS
2. SMT RUKAMMA
D/O PACHAMMA
AGED ABOUT 52 YEARS
3. SRI VENKATESH
S/O PACHAMMA
AGED ABOUT 47 YEARS
4. SMT PAPAMMA
D/O PACHAMMA
AGED ABOUT 42 YEARS
5. SMT KANTHAMMA
D/O PACHAMMA
AGED ABOUT 40 YEARS
6. SRI RAJAPPA
S/O PACHAMMA
AGED ABOUT 38 YEARS
7. SMT KRISHNAMMA
W/O ANNAYYAPPA &
D/O MUNIYAMMA,
AGED ABOUT 43 YEARS
8. SMT RATHNAMMA
D/O MUNIYAMMA,



AGED ABOUT 42 YEARS

9. SRI MUNIRAJU
S/O MUNIYAMMA,
AGED ABOUT 40 YEARS

10. SMT SHARADA
D/O MUNIYAMMA,
AGED ABOUT 37 YEARS

R1 TO R10 ALL ARE R/AT NO.24,
THUBARAHALLI VILLAGE,
VARTHUR HOBLI
BANGALORE EAST TALUK-560 087

11. SRI K VIJAYA KUMAR
S/O Y KRISHNA REDDY,
AGED ABOUT 47 YEARS
R/AT NO.171/1,
VARTHUR MAIN ROAD,
THUBARAHALLI VILLAGE,
BANGALORE-560 066

12. MAHADEVAIAH
S/O SHIVANNA,
AGED ABOUT 45 YEARS
R/AT NO.10/1,
PALACE ROAD,
LAKSHMINARAYANA COMPLEX,
BANGALORE-560 052

...RESPONDENTS

(BY SRI. C.SHANKAR REDDY, ADVOCATE FOR R1;
SRI. K.N.SHIVA REDDY, ADVOCATE FOR R2, R4,-R6, R8
& R9;
SRI. VAMSHI CHANDRASHEKARA, ADVOCATE FOR R12;
R3, R7, R10, R11 ARE SERVED AND UNREPRESENTED)

THIS RFA IS FILED UNDER SECTION 96 OF CPC.,
AGAINST THE JUDGMENT AND DECREE DATED 21.10.2014



PASSED IN OS.NO.853/2009 ON THE FILE OF THE XXXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU, CITY, DISMISSING THE SUIT FOR PARTITION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ appeal has been filed under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908 (CPC) impugning the judgment and decree dated 21.10.2014 passed in Original Suit No.853/2009 instituted by the appellants.

2. The appeal has been filed with delay of 597 days. The affidavit filed in support of the application (IA No.1/2016) seeking condonation of delay of 597 days contains the reasons for not filing the appeal on time in paragraphs 4 to 9.



3. On perusal of the reasons stated in the affidavit filed in support of the application seeking condonation of delay, same can be summarized as under:

i. The appellants are villagers and they are not acquainted with the Court proceedings.

ii. The appellants could not contact their advocate who conducted the suit proceedings on their behalf before the trial Court on four to five occasions. However, it was only in the July-2016, the appellants could notice that certain persons visiting the suit property, discussing about marking of the land, taking measurements. Thereafter, they came to know that their suit had been dismissed.

4. The appellants were the plaintiffs and the claim that they were not aware of the Court proceedings cannot be believed. Two years is a long period to know about the judgment and decree passed in their suit. The reasons stated in the affidavit are neither convincing nor *bona fide*. We find no reason to condone such a long unexplained delay of 597 days in filing the First Appeal. We, therefore dismiss the application



**NC: 2026:KHC:11297-DB
RFA No. 1455 of 2016**

seeking condonation of delay. Resultantly, the appeal stands
dismissed.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(S RACHAIAH)
JUDGE**

RKA
List No.: 2 Sl No.: 3