



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REGULAR SECOND APPEAL NO. 1697 OF 2016 (DEC/INJ)

BETWEEN:

1. MOHAMED PEER
S/O LATE MOHAMMED GHOUSE
SINCE DECEASED REP. BY LRS.
- 1(a). SMT. MAQBUL JAN
W/O LATE MOHAMMED PEER
AGED ABOUT 61 YEARS
- 1(b). SMT. RESHMA
D/O LATE MOHAMMED PEER
AGED ABOUT 40 YEARS
- 1(c). SMT. BI BI AYESHA
D/O LATE MOHAMMED PEER
AGED ABOUT 38 YEARS
- 1(d). SRI. ANWAR
S/O LATE MOHAMMED PEER
AGED ABOUT 36 YEARS
- 1(e). SRI. CHAND
S/O LATE MOHAMMED PEER
AGED ABOUT 34 YEARS
- 1(f). SMT. SALMA BANU
D/O LATE MOHAMMED PEER
AGED ABOUT 32 YEARS
- 1(g). SRI. MUBARAK PASHA
S/O LATE MOHAMMED PEER
AGED ABOUT 30 YEARS



1(h). SRI. GHOUSE
S/O LATE MOHAMMED PEER
AGED ABOUT 28 YEARS

1(i). SRI. HIDYATH
S/O LATE MOHAMMED PEER
AGED ABOUT 26 YEARS

2. SRI. HIDAYATH
S/O GHOUSE PEER
AGED ABOUT 30 YEARS

ALL APPELLANTS ARE
R/AT HOSAHALLI VILLAGE,
KORA HOBLI-572 128
TUMKUR TALUK AND DISTRICT.

...APPELLANTS

(BY SRI. V B SIDDARAMAIAH.,ADVOCATE)

AND:

1. SRI DODDAIAH
S/O ERAIAH
AGED ABOUT 90 YEARS,
R/AT DEVARAHATTI VILLAGE,
HAMLET OF HOSAHALLI
KORA HOBLI
TUMKUR TALUK AND DISTRICT-572128.

...RESPONDENT

(BY SMT. GAUTHAMI S. BHANDARY, ADVOCATE)

THIS RSA IS FILED UNDER ORDER XLII RULE-1 R/W
SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE
DATED 22.02.2012 PASSED IN R.A.NO.249/2009 (OLD
NO.4/2006) ON THE FILE OF THE PRESIDING OFFICER, FAST
TRACK COURT-1, TUMKUR, DISMISSING THE APPEAL AND



CONFIRMING THE JUDGMENT AND DECREE DATED 23.11.2006
PASSED IN O.S. NO.521/89 ON THE FILE OF THE PRL. CIVIL
JUDGE (JR.DN.), TUMKUR.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

This appeal is filed by plaintiff No.2 challenging
the judgment and decree dated 22.02.2012 passed in
R.A. No.249/2009 (Old No.4/2006) on the file of the
Fast Track Court, Tumakuru, whereby the appeal
came to be dismissed with costs, confirming the
judgment and decree dated 23.11.2006 passed in O.S.
No.521/1989 on the file of the Principal Civil Judge,
Tumakuru, dismissing the suit of the plaintiffs.

2. The appellant has filed I.A. No.1/2016
seeking condonation of delay of 1593 days in filing the
appeal.



3. Heard the learned counsel appearing for the parties.

4. Sri V.B. Siddaramaiah, learned counsel appearing for the appellant, invited the attention of the Court to paragraph 2 of the affidavit filed in support of I.A. No.1/2016 and submitted that the appellant had no worldly knowledge to approach the Counsel at Bengaluru to engage the services of an advocate. It is further contended that the delay has occurred due to lack of communication with the advocate, who appeared before the First Appellate Court. Accordingly, sought for allowing the appeal.

5. Having considered the submissions made by the learned counsel for the appellant, this Court is of the opinion that the reasons assigned in paragraph 2 of the affidavit cannot be accepted as sufficient cause under Section 5 of the Limitation Act. The explanation



offered does not constitute a bona fide or satisfactory reason for condoning such an inordinate delay.

6. In the facts and circumstances of the case, the delay of more than four years in filing the appeal cannot be condoned, particularly in the light of the principles laid down by the Hon'ble Supreme Court in ***State of Nagaland v. Lipok Ao and others*** reported in ***(2005) 3 SCC 752***.

7. Accordingly, I.A. No.1/2016 is dismissed. Consequently, the appeal also stands ***dismissed***.

Sd/-
(E.S.INDIRESH)
JUDGE