



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. 1403 OF 2009 (INJ)

BETWEEN:

1. SRI.MALLAPPA
AGED ABOUT 68 YEARS,
S/O LATE SRI. NALLAPPA,
R/O T. KURUBARAHALLI,
THIPPADODDI POST, MULABAGAL TALUK,
KOLAR DISTRICT - 563 131
REPRESENTED BY GPA HOLDER
RAMAKRISHNA
R/O T. KUMUBARAHALLI,
THIPPADODDI POST, MULABAGAL TALUK,
KOLAR DISTRICT - 563 131.

...APPELLANT

(BY SRI. V. VINOD REDDY, ADVOCATE)

AND:

1. SRI. K.C. MUNISWAMY REDDY
SINCE DEAD BY LRS':
 - (a) SRI. SUBRAMANI REDDY,
AGED ABOUT 47 YEARS,
S/O LATE SRI. K.C. MUNISWAMY REDDY,
 - (b) SRI. VENKATARAMA REDDY
AGED ABOUT 37 YEARS,
S/O. LATE SRI. K.C. MUNISWAMY REDDY,



(c) SRI. VIJAYAKUMARA REDDY
AGED ABOUT 35 YEARS,
S/O. LATE SRI. K.C. MUNISWAMY REDDY

(d) SHANTHAMMA
W/O. SUBRAMANI,
AGED ABOUT 33 YEARS,

R/O. GADDUR, TYALUR HOBLI,
MULBAGAL TALUK - 563 131.

2. SRI. SUBRAMANI
AGED ABOUT 50 YEARS,
S/O LATE SRI. K.C.MUNISWAMY REDDY,
3. SRI. K.C. GURUVA REDDY,
AGED ABOUT 56 YEARS,
S/O SRI. K.C.CHENGA REDDY,
4. SRI. SHIVAKUMAR REDDY
AGED ABOUT 32 YEARS,
S/O SRI. K.C.GURUVA REDDY,
5. SRI. PADMANABHA REDDY,
AGED ABOUT 30 YEARS,
S/O SRI. K.C.GURUVA REDDY,

ALL ARE R/AT T.KUKKALADODI VILLAGE,
THIPPADODDI POST, BYRAKUR HOBLI,
MULABAGAL TALUK,
KOLAR DISTRICT - 563 131.

...RESPONDENTS

(BY SRI. RAKESH M.T., ADVOCATE FOR
SRI. M.V. CHANDRASHEKARA REDDY, ADVOCATE FOR
R1(A TO D), R4 & R5)

THIS RSA IS FILED U/S. 100 OF CPC., PRAYING TO SET
ASIDE THE JUDGMENT AND DECREE 22.04.2009 PASSED BY



THE COURT OF THE III ADDITIONAL CIVIL JDUGE 9SR.DN.),
KOLAR IN R.A.NO.81/2006 CONFIRMING THE JUDGMENT AND
DECREE DATED 06.02.2006 PSSED BY THE COURT OF THE
ADDITIONAL CIVIL JUDGE (JR.DN.), MULBAGAL IN
O.S.NO.175/1999 BY ALLOWING THIS APEPAL AND
DECREEING THE SUIT AS PRAYED FOR.

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

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

ORAL JUDGMENT

This appeal is preferred by the plaintiff assailing the
judgment and decree dated 22.04.2009 in R.A.No.81/2006
on the file of the III Additional Civil Judge, (Senior
Division), Kolar, itinerating Court at Mulbagal, dismissing
the appeal and confirming the judgment and decree dated
06.02.2006 in O.S.No.175/1999 on the file of Additional
Civil Judge, (Junior Division), Mulbagal, dismissing the suit
of the plaintiff.



2. It is noted that I.A.No.1/2026 is filed under Order XXII Rule 3 read with Order XXII Rule 9 of the Code of Civil Procedure and Section 5 of the Limitation Act seeking permission to come on record as the applicants therein are the legal representatives of the deceased appellant and to further set aside the abatement therein.

3. Having taken note of the submissions made by the learned counsel appearing for the appellant, as per the death certificate enclosed in the application it would indicate that, the original appellant - Mallappa died on 24.01.2011. The impleading applicants claiming to be the legal representatives of the original plaintiff have filed the application to come on record after inordinate delay of fourteen (14) years. Perusal of the averments made in the affidavit accompanying application in I.A.No.1/2026, do not satisfy the reasons to condone the delay of nearly fourteen (14) years in filing the application and sufficient cause is not shown to condone the delay under Section 5 of the Limitation Act. Hence, I.A.No.1/2026 is dismissed.



NC: 2026:KHC:17011
RSA No. 1403 of 2009

4. Accordingly, the Regular Second Appeal ***abates***.

SD/-
(E.S.INDIRESH)
JUDGE

KLV
List No.: 1 SI No.: 32