



HC-KAR

NC: 2026:KHC-D:4708-DB
RFA No. 100086 of 2026

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

REGULAR FIRST APPEAL NO. 100086 OF 2026 (PAR/POS)

BETWEEN:

SOMAPPA S/O IRAPPA DAVANAGERI
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O. KAVALAPETH BAGALKOT CITY,
NOW A FORM HOUSE AT SURVEY NO.81
INFRONT OF HINDI COLLEGE,
NEAR MAHARUDRAPPAN HALLA, HONNAKATTI VILLAGE,
INNER ROAD, BAGALKOT, TQ.DIST. BAGALKOT.

...APPELLANT

(BY SRI DUNDAPPA MALLI AND SMT. ANKITA V. TALAWAR,
ADVOCATES)

AND:

1. SMT. BASAMMA @ MADEVI
W/O NINGAPPA ROLLI
AGE. 65 YEARS, OCC. AGRICULTURE,
R/O. MANNIKERI,
TQ. BILAGI, DIST. BAGALKOT.
2. IRAPPA S/O SOMAPPA DAVANGERI
AGE. 92 YEARS, OCC. AGRICULTURE,
R/O. KAVALAPETH BAGALKOT CITY,
NOW AT FROM HOUSE AT SURVEY NO.81,
INFRONT OF HINDI COLLEGE,
NEAR "MAHARUDRAPPAN HALLA",
HONNAKATTI VILLAGE INNER ROAD,
BAGALKOT, TQ.DIST. BAGALKOT.



3. NINGAPPA S/O IRAPPA DAVANAGERI
AGE. 66 YEARS, OCC. AGRICULTURE,
R/O. KAVALAPETH BAGALKOT CITY,
NOW AT FROM HOUSE AT SURVEY NO.81,
INFRONT OF HINDI COLLEGE,
NEAR "MAHARUDRAPPAN HALLA"
HONNAKATTI VILLAGE INNER ROAD,
BAGALKOT, TQ.DIST. BAGALKOT.
4. SMT. CHANNAWWA W/O SHIVANNA SARATHI
AGE. 59 YEARS, OCC. HOUSEHOLD WORK,
R/O. LAKHAMAPUR,
TQ. BADAMI, DIST. BAGALKOT.
5. SMT. NINGAWWA W/O YALLAPPA KEMAPANNAVAR
AGE. 57 YEARS, OCC. HOUSEHOLD WORK,
NEAR HOUSE OF DAVANGERI FAMILY,
R/O. YADAHALLI,
TQ. BADAMI, DIST. BAGALKOT.

...RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 OF THE CIVIL PROCEDURE CODE 1908, PRAYING TO CALL FOR RECORDS AND SET ASIDE THE JUDGMENT AND DECREE DATED 28.08.2018, PASSED IN O.S.NO.21/2016 BY THE COURT OF THE PRL. SENIOR CIVIL JUDGE AT BAGALKOT, AND DISMISS THE SUIT FILED BY THE PLAINTIFF, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE H.P.SANDESH
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL ORDER

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Heard the counsel appearing for the appellant on I.A.No.1/2026 filed for condonation of delay of 1933 days in filing the present appeal.

2. In support of the application, an affidavit is filed wherein it is only stated that suit came to be decreed in 2018 and having a good case on merits and likely to succeed in the instant appeal. The grounds which have been urged in the appeal memo may be treated as part and parcel of this affidavit. If the delay is not condoned, the very purpose of filing the instant appeal would be defeated.

3. The counsel for the appellant would contend that the trial Court ought to have held that suit schedule properties are the ancestral properties and Defendant No.5 has failed to prove that. Having perused the affidavit, nowhere reasons are assigned in support of the application to condone the delay of 1933 days and even no single sentence with regard to the delay is concerned as to whether he had the knowledge or not having the knowledge and what prevented him in filing this appeal and this



appeal is also filed in 2026 and suit of the trial Court is decreed in 2018 and no reasons for the delay from 2018 to 2026, that too an inordinate delay of 1933 days and it is settled law that sufficient cause must be shown and if sufficient cause is not shown for the delay of each day, question of condoning the delay does not arise and hence, we do not find any ground to condone the delay of inordinate delay of 1933 days and to issue notice to the respondents on the delay. Hence, I.A No.1/2026 is rejected and consequently, the appeal is **dismissed**.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

RKM
CT-CMU
LIST NO.: 1 SL NO.: 9