



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

REGULAR SECOND APPEAL NO. 200099 OF 2026 (INJ)

BETWEEN:

B. KRISHNA REDDY
S/O RAMA REDDY
AGE: 71 YEARS, OCC: AGRICULTURE
R/O NAGALAPUR CAMP
TQ: AND DIST: RAICHUR-584125

...APPELLANT

(BY SRI NARENDRA M REDDY., ADVOCATE)

AND:

TIRUPATHI REDDY
S/O RAMAREDDY
AGE: 49 YEARS, OCC: AGRICULTURE
R/O NAGALAPUR CAMP
TQ: AND DIST: RAICHUR-584125

...RESPONDENT

THIS RSA FILED U/SEC. 100 OF CRC, PRAYING TO A) ALLOW THE SECOND APPEAL; B) SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE ADDITIONAL SENIOR CIVIL JDUGE AND JMFC-I, RAICHUR IN R.A.NO.25/2021 DATED 03.03.2022 AND ALSO SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE ADDITIONAL CIVIL JUDGE AND JMFC-III, RAICHUR IN O.S.NO.240/2014 DATED 04.10.2021 AND DISMISS THE SUIT OF THE PLAINTIFF.

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





CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

Heard the learned counsel for the appellant.
Perused the relevant materials on record.

2. The appellant herein is the defendant before the trial Court in O.S. No.240/2014, wherein the respondent/ plaintiff filed the suit for relief of permanent injunction. The trial Court as per the judgment and decree dated 04.10.2021 decreed the suit. Being aggrieved by the said judgment and decree of the trial Court, the defendant filed the appeal in R.A. No.25/2021 before the Prl. Senior Civil Judge and CJM, Raichur. The First Appellate Court dismissed the appeal as per the judgment and decree dated 03.03.2022 and confirmed the judgment and decree of the trial Court in the suit. Therefore, there are concurrent findings by both the trial Court and the First Appellate Court.



3. Moreover, the relief sought by the respondent/plaintiff in the suit is for permanent injunction, based on the contention that he is in settled possession of the suit property. On the other hand, the defendant claims title over the suit property on the basis of registered sale deed dated 07.11.2013.

4. The application I.A. No.1/2026 is filed by the appellant for condonation of delay in filing the appeal. There is delay of 1345 days in filing the appeal. The contention of the appellant is that he was suffering from old age ailments and was unable to walk having weakness. He consulted the CARE hospital on 03.01.2024 and on diagnosis, it was found that he was suffering from cervical compressive myelopathy and accordingly, he underwent surgery. He was treated as inpatient from 03.01.2024 to 05.01.2024, which would show that the appellant was treated as inpatient only during the above mentioned period.



5. The present appeal is filed on 26.03.2026 i.e., after more than 2 years from the date of his discharge from the hospital as alleged by the appellant in his application. There is no document forthcoming from the appellant in support of his contention regarding the cause for delay in filing the appeal. Therefore, there is no reason to believe the contention of the appellant for delay in filing the appeal.

6. Moreover, the suit filed by the plaintiff/ respondent before the trial Court in O.S. No.240/2014 was only for the relief of permanent injunction. Hence, even if this appeal is dismissed, no hardship would be caused to the defendants, as they are at liberty to claim necessary relief regarding title and possession over the suit property before the Court or any authority.

7. Moreover, the suit filed by the plaintiff before the trial Court is solely based on possessory rights.



Therefore, even if the appeal is dismissed, no hardship will be caused to the appellant/ defendant in establishing his title over the suit property on the basis of the alleged sale deed in separate proceedings. Further, as discussed earlier, there is no cause shown by the defendant/ appellant to condone the inordinate delay of 1345 days in filing the appeal. Hence, the application does not survive for consideration and same is liable to be dismissed.

8. In the result, I proceed to pass the following:

ORDER

The application I.A. No.1/2026 filed by the appellant is dismissed.

Consequently, this appeal stands dismissed as barred by limitation.

It is made clear that any observations made in this order would not come in the way



of the appellant establishing his right over the
suit property by taking steps before the Court
as per the law, subject to the law of limitation.

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

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List No.: 1 Sl No.: 23