



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY
REGULAR SECOND APPEAL NO.200290 OF 2024 (INJ)

BETWEEN:

1. AWWAPPA S/O MALAKARI KONIN,
AGE:59 YEARS, OCC:AGRICULTURE,
2. YALLAWWA W/O AWWAPPA KONIN,
AGE: 57 YEARS, OCC:HOUSEHOLD WORK,
BOTH ARE R/O. UKKALI, TQ. B. BAGEWADI,
DIST. VIJAYAPURA- 586 102.

...APPELLANTS

(BY SMT. JYOTI S. KULKARNI, ADVOCATE)

Digitally signed by
SOMANATH
PENTAPPA MITTE
Location: HIGH
COURT OF
KARNATAKA

AND:

1. RAYAPPA S/O GANTEPPA JIDDI,
AGE:62 YEARS, OCC:AGRICULTURE,
2. MAYAKKA W/O HONNAPPA TALIKOTE,
AGE: 44 YEARS, OCC:HOUSEHOLD WORK,
3. SUSHILABAI W/O MALLAYYA MATHAPATI
@ BABALESHWAR, AGE:67 YEARS,
OCC:HOUSEHOLD WORK,



4. IRAYYA S/O MALLAYYA MATHAPATI
@ BABALESHWAR, AGE:45 YEARS,
OCC:AGRICULTURE,
5. BASAYYA S/O MALLAYYA MATHAPATI
@ BABALESHWAR, AGE:44 YEARS,
OCC:AGRICULTURE,
6. SHIVANAND S/O MALLAYYA MATHAPATI
@ BABALESHWAR, AGE:41 YEARS,
OCC:AGRICULTURE,

ALL ARE R/O. UKKALI, TQ. B. BAGEWADI,
DIST. VIJAYAPURA- 586 102.

...RESPONDENTS

(R1 AND R2 ARE SERVED,
V/O DATED 13.02.2026, NOTICE TO R3 TO R6 IS HELD
SUFFICIENT)

THIS RSA IF FILED UNDER SECTION 100 OF THE
CODE OF CIVIL PROCEDURE, PRAYING TO ALLOW THE
APPEAL AND SET ASIDE THE JUDGMENT AND DECREE
DATED 23.10.2020 PASSED IN R.A. NO.10/2019 ON THE
FILE OF THE SENIOR CIVIL JUDGE AND JMFC BASAVAN
BAGEWADI, SETTING ASIDE THE JUDGMENT AND
DECREE DATED 23.01.2019 PASSED IN O.S. NO.252/2011
ON THE FILE OF THE CIVIL JUDGE AND JMFC, BASAVAN
BAGEWADI, AND TO PASS ANY OTHER ORDER WHICH
HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF
THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.



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

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

ORAL JUDGMENT

1. Heard learned counsel for the appellants. Perused the relevant materials on record.
2. The appellants are plaintiffs before the trial Court in the suit in O.S No.252/2011, wherein the relief of permanent injunction and mandatory injunction sought for. The suit was decreed by the trial Court. Thereafter the defendants No.1 and 2 filed the appeal before the Learned Senior Civil Judge & JMFC, Basavana Bagewadi (the First Appellate Court) in R.A. No.10/2019 and the First Appellate Court allowed the appeal and thereby set aside the



judgment and decree of the trial Court and consequently the suit filed by the plaintiff was dismissed.

3. Consequently, the plaintiffs have come up with the present appeal. The suit was filed for the relief of permanent injunction and for mandatory injunction. There is delay of 652 days in filing the appeal. The reason mentioned by the appellants for the delay is that they were not having any knowledge of legal proceedings that there is opportunity to file appeal before the High Court and that there was communication gap to engage counsel for entrusting the case. This contention of appellants would show that they were aware of the impugned judgment and decree of trial Court immediately after disposal of the appeal. The appeal filed by the defendants was allowed on 23.10.2020. There is inordinate delay of 652 days



in filing the present appeal. The cause shown by the appellants/ plaintiffs in the application for delay in filing the appeal is not sufficient and same is not acceptable. Consequently, the application is liable to be dismissed.

4. In the result, I.A. No.2/2025 filed by the appellants is hereby dismissed and consequently, the appeal is dismissed as barred by limitation.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

LL
List No.: 1 Sl No.: 16
CT: SB