



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCL. SECOND APPEAL NO.200221 OF 2024 (LA)

BETWEEN:

SMT.INDUBAI W/O GANGARAM,
AGE: 78 YEARS, OCC: AGRICULTURE,
R/o MAHAGAON,
TQ. DIST. KALABURAGI.

...APPELLANT

(BY SRI. SIDDALING P. MALIPATIL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
MINI VIDHAN SOUDHA,
KALABURAGI-585102.
2. THE SPECIAL LAND ACQUISITION OFFICER
M & MIP, KALABURAGI-585102.
3. THE CHIEF ENGINEER,
KNNL, IP ZONE,
KALABURAGI-585102.
4. THE EXECUTIVE ENGINEER
KNNL, GANDORI NALA DIVISION NO.1
IPC ZONE, KALABURAGI-585102.

...RESPONDENTS

(BY SMT. DR. ARCHANA P. TIWARI, AAG A/W
SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 & R2)

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by VARSHA N
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Location: HIGH
COURT OF
KARNATAKA



THIS MISC. SECOND APPEAL IS FILED UNDER SEC. 54(2) OF LAND ACQUISITION ACT, PRAYING TO ALLOW THIS APPEAL WITH COSTS B) PASS ORDERS THEREBY MODIFYING THE JUDGMENT AND AWARD PASSED BY THE III ADDL. DISTRICT JUDGE AT KALABURAGI IN LACA NO.28/2011 DATED 24.09.2011 AND ENHANCE THE COMPENSATION WITH ALL STATUTORY BENEFITS.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal is preferred by the claimant/land loser challenging the award dated 24.09.2011 in LACA No.28/2011 passed by III Additional District Judge, Kalaburagi.

2. The appellant is the owner of land in Sy.No.435/3 measuring 01 acre 36 guntas situated at village Mahagaon, Taluk and district: Kalaburagi. The State through SLAO acquired the land of the appellant for construction of Gandori Nala project by preliminary Notification under Section 4(1) of the Land Acquisition Act (for short, 'the LA Act') on 25.11.1993, which was followed



by the award fixing the market value of Rs.14,000/- per acre. The appellant being dissatisfied filed a protest memo seeking reference for higher award. Upon reference being received, LAC No.400/1998, came to be allowed in part and fixed the market value at Rs.48,000/- per acre together with all statutory benefits and interest payable under the LA Act. Again the appellant was unhappy and being aggrieved by the judgment and award of the reference Court, preferred an LAC Appeal No.28/2011. The said appeal was allowed and the compensation was enhanced to Rs.75,000/- per acre. However, the interest for the delayed period was denied. It is this order that is challenged before this Court by the claimant seeking further enhancement.

3. There was delay of 3749 days in filing this appeal and therefore, an application came to be filed for condonation of delay. Before taking up the main matter, it would be necessary to take up the application for



condonation of delay first and thereafter, if required to take up the appeal on hand.

4. On a careful perusal of the affidavit annexed to the application, the reasons assigned and the cause shown by the claimant/appellant are set out in the affidavit, wherein the claimant has stated that due to financial constraints in arranging the litigation expenses to deposit the Court fee and lack of legal knowledge of Court procedures and due to her ill-health, delay has caused and the same is not deliberate or intentional, but bonafide and the same is required to be condoned.

5. This Court is required to examine, on the basis of the averments made on oath in the affidavit annexed to the application, whether the appellant has made out sufficient grounds for condonation of delay by satisfactorily explaining the delay and by demonstrating bonafide reasons for not preferring the appeal within the prescribed period.



6. On careful perusal of the above stated paragraphs, it is apparently seen that there are no cogent reasons forthcoming in the affidavit annexed to the application to condone the delay, as there is a huge delay of 3749 days. The only reason shown for delay is due to ill-health of the claimant, lack of legal knowledge and financial constraints in arranging the Court fee and the litigation expenses. Nothing prevented the appellant from filing application at the earliest point of time.

7. The Co-ordinate Bench of this Court has dealt with the similar matter in MSA No.200452/2023 in the case of ***The Chief Engineer and Another vs. Gurubasappa S/o Veerbasappa and others*** disposed of on 26.07.2024 by relying upon the several judgments of this Court as well as the Hon'ble Apex Court which would squarely applicable to the present case on hand.

8. The Hon'ble Apex Court in catena of judgments has dealt with this particular issue, some of them are:



- i. ***Ramlal, Motilal and Chhotelal Vs. Rewa Coalfields Ltd. [AIR 1962 SC 361]***
- ii. ***Lanka Venkateswarlu (Dead) By LRs Vs. State of Andhra Pradesh and Others [(2011) 4 SCC 363]***
- iii. ***Ajay Dabra Vs. Pyare Ram and Ors [2023 LiveLaw (SC) 69]***
- iv. ***Pathapati Subba Reddy (Died) by L.Rs. and Ors Vs. The Special Deputy Collector (LA) [2024 SCC Online SC 513]***
- v. ***Shivamma (Dead) by LRs vs. Karnataka Housing Board and Others [2025 SCC OnLine SC 1969]***

9. In the present case on hand, there is inordinate delay of 3749 days. The claimant was very well aware of the steps to be taken for challenging the award. But has not bothered to file the appeal on time, which was done earlier and claimant was successful twice seeking enhancement. Therefore, when there is inordinate delay, the same cannot be considered. As the catena of judgments of the Hon'ble Apex Court, which are relied



hereinabove, deprecate the practice of filing appeal with huge number of days delay, where the appellant-claimant has slept over the matter has gone into a 'slumber' or slept over like a 'Kumbhakarna'. Be it State or the claimant, both stand on the same footing. The delay should not be condoned, when the delay is inordinate and huge. In view of the judgments relied herein above, I do not find any good ground or cogent reason to condone the delay.

10. Accordingly, I.A.No.1/2024, filed for condonation of 3749 days delay is rejected, being devoid of merits.

11. In view of the dismissal of the application for condonation of delay, the question of entertaining the appeal would not arise and consequently, appeal also deserved to be dismissed.

12. Accordingly, I pass the following:



ORDER

- (a) The Miscellaneous Second Appeal is ***dismissed*** on the ground of delay and laches.
- (b) In view of the dismissal of the appeal, the Court Fee, if any, paid by the appellant shall be refunded to the appellant, upon due verification, as per Section 63 of the Karnataka Court Fees and Suits Valuation Act, 1958.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

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LIST NO.: 2 SL NO.: 6
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