



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.200083 OF 2023

(DEC/INJ)

BETWEEN:

1. MALLAPPA S/O LAKAPPA LAKKUR,
AGE:22 YEARS, OCC:AGRICULTURE,
2. MAMATA D/O LAKAPPA LAKKUR,
AGE:24 YEARS, OCC:HOUSEHOLD AND
AGRICULTURE, BOTH ARE R/O. MAHAL ROZA
NEAR SAGAR VILLAGE, TQ. SHAHAPUR
DIST. YADAGIR-585 323.

...APPELLANTS

(BY SRI SATISHKUMAR D. GADKAR, ADVOCATE)

AND:

1. LAKAPPA S/O MALLAPPA LAKKUR,
AGED ABOUT:50 YEARS,
OCC: AGRICULTURE,
R/O. MAHAL ROZA, NEAR SAGAR
VILLAGE, TQ. SHAHAPUR,
DIST. YADAGIR- 585 323.
2. SMT. BASSAMMA W/O LAKAPPA LAKKUR,
AGED ABOUT:45 YEARS, OCC: HOUSEHOLD,
R/O. MAHAL ROZA, NEAR SAGAR VILLAGE,
TQ. SHAHAPUR, DIST. YADAGIR- 585 323.

...RESPONDENTS



THIS RSA IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND DECREE PASSED IN R.A. NO.39/2008 DATED 06.03.2009 PASSED BY THE LEARNED SENIOR CIVIL JUDGE SHORAPUR SITTING AT SHAHAPUR BY CONFIRMING THE JUDGMENT AND DECREE OF THE TRIAL COURT PASSED IN O.S. NO.150/2004 DATED 08.04.2008 ON THE FILE OF CIVIL JUDGE SHAHAPUR AND CONSEQUENTLY IT IS PRAYED TO DECREE THE SUIT OF THE PLAINTIFF, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR 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. There is delay of 4210 days in filing the present appeal. The application I.A. No.1/2022 filed for condoning the delay of 4210 days in filing the appeal.



3. As per the materials on record, it would be clear that the appellants herein filed the suit against the defendant/ respondent No.1, the father of appellants No.1 and 2 and husband of respondent No.2. The said suit in O.S. No.150/2004 was decreed by the trial Court as per the judgment and decree dated 08.04.2008. Thereafter the respondent filed the appeal before the Senior Civil Judge, at Shorapur sitting at Shahahpur, in R.A. No.39/2008 and the said appeal was allowed by the First Appellate Court as per the judgment dated 06.03.2009 and the judgment and decree of the trial Court was set aside. Now the plaintiffs have come up with the present appeal after the delay period of 4210 days from the date of disposal of the suit and the appeal by the trial Court and First Appellate Court respectively.

4. As per the contentions put forth by the appellants in the application, there is absolutely no cause made out to condone the inordinate delay of 4210



days in filing the appeal. Hence, the application does not merit consideration and the same is liable to be dismissed.

5. In the result, the application I.A. No.1/2022 filed by the appellants is dismissed. Consequently, the appeal stands dismissed as barred by limitation.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

LL
List No.: 1 Sl No.: 14
CT: SB