

Manche Gowda vs Shilaja

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Court : Karnataka

Decided On : Jun-01-2026

Judge : V Srishananda

Appeal No. : RSA/1358/2017

Appellant : Manche Gowda

Respondent : Shilaja

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE, 2026 BEFORE THE HON'BLE
MR. JUSTICE V SRISHANANDA REGULAR SECOND APPEAL NO.
1358 OF 2017 BETWEEN:

1. MANCHE GOWDA S/O MANCHE GOWDA, AGED ABOUT 50
YEARS, OCCUPATION: AGRICULTURE, R/O SABBANAHALLI
VILLAGE, CA.KERE HOBLI, MADDUR TALUK MANDYA DISTRICT -
571 428.

2. PUTTEGOWDA S/O MANCHE GOWDA, AGED ABOUT 45 YEARS,

3. THAYAMMA W/O KENCHE GOWDA Digitally

signed by

D/O LATE MANCHE GOWDAMALATESH

AGED

COURT OF KARNATAKA

4. JAYASHEELA W/O PUTTAMADU, D/O LATE MANCHEGOWDA
AGED ABOUT 50 YEARS, R/O KARKAHALLI VILLAGE, C.A. KERE
HOBLI, -2-

5. PADMAMMA W/O YOGESHA, D/O LATE MANCHE GOWDA, AGED
ABOUT 40 YEARS, R/O KANDEGALA VILLAGE, KASABA HOBLI,
MALAVALLI TALUK - 571 430.

6. NINGAMMA W/O MANCHE GOWDA, AGED 75 YEARS,
OCCUPATION: HOUSE WIFE R/O SABBANAHALLI VILLAGE, C.A.
KERE HOBLI, APPELLANTS (BY SMT. ARCHANA MURTHY P,
ADVOCATE) AND:

1. SHILAJA W/O SHIVARAJU AGED ABOUT 37 YEARS,
OCCUPATION: HOUSEWIFE,

2. POOJITHA D/O SHIVARAJU AGED ABOUT 17 YEARS,

3. LIKITHA D/O SHIVARAJU AGED ABOUT 12 YEARS,
RESPONDENTS 2 AND 3 ARE -3-

MINORS REPRESENTED BY THEIR NATURAL GUARDIAN AND
MOTHER SHILAJA 1ST RESPONDENT RESPONDENT NO.1-3 ARE
NOW RESIDING AT MANIGERE VILLAGE, C.A.KERE HOBLI,
RESPONDENTS (R1 - SERVED; R2 AND R3 - MINORS REP. BY R1)
THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE
JUDGMENT AND DECREE DATED 15.2.2014 PASSED IN RA
NO.61/2012 ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS
JUDGE, MANDYA DISMISSING THE APPEAL AND CONFIRMING THE
JUDGMENT AND DECREE DATED 21.2.2012 PASSED IN OS
NO.35/2007 ON THE FILE OF THE SENIOR CIVIL JUDGE, MADDUR.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard learned counsel for the appellant on I.A.No.1/2017. Respondent is served with the notice of I.A.No.1/2017 of the appeal but have failed to appear before the Court.

2. Respondent Nos.2 and 3 were minors at the time of filing the appeal and they have attained majority now by sheer passage of time. -4-

3. No application is filed seeking discharge of minors. Nevertheless, since respondent No.1 was representing them, this Court took into consideration merits of I.A.,No.1/2017.

4. I.A.No.1/2017 is filed seeking condonation of delay of 1156 days in filing the appeal. Application is supported by the affidavit and paragraph No.3 of the affidavit reads as under:

3. That I was not knowing the provision of law that appeal has to be filed within 90 days. Added to that, I was having great financial difficulties to come over to Bangalore to file this appeal. Only 2 days back I could mobilize the amount required and came to Bangalore and engaged a counsel and filing this appeal hence there is a delay which is not a deliberate one but due to above said bonafide reasons and hence this affidavit.

5. To substantiate the contentions mentioned in paragraph No.3 of the affidavit, no material documents are forthcoming. -5-

6. Moreover, Court fee paid on the appeal is only Rs.200/- and it cannot be construed that for paying Rs.200/- there was a financial crunch for the appellants

who are six in number.

7. Likewise, the reason that they did not know the provision of filing the second appeal cannot also be countenanced in law.

8. Respondents being the plaintiffs have been granted 1/17th share in the suit schedule properties.

9. Plaintiff No.1 being the wife of Shivaraju who is the brother of appellant No.1 was a party to the partition is the defence that has been raised in the suit.

10. Trial Court and the First Appellate Court have

concurrently recorded a finding that defence of the defendants has not been established and therefore, 1/17th share has been granted by the Trial Court in O.S.No.35/2017 which was confirmed in RA No.61/2012. -6-

11. Thus on the merits as well, there is no scope for interference having regard to the scope of Section 100 of Code of Civil Procedure.

12. Taking note of the reasons seeking condonation of delay being imaginary and illusory, this Court is not inclined to condone huge delay of 1156 days in filing the appeal.

13. As such, I.A.No.1/2017 is dismissed. Consequently, appeal is also dismissed.
Sd/- (V SRISHANANDA) JUDGE KAV List No.: 1 Sl No.: 51

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