

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE ~~1ST~~ DAY OF JULY 1999

PRESENT

THE HON'BLE MR.JUSTICE B. PADMARAJ

AND

THE HON'BLE MR.JUSTICE T.N. VALLINAYAGAM

CIVIL PETITION NOS. 166/97 AND 167/97

BETWEEN:

In CP 166/97:

Kashinath Rao s/o  
Sampayya Mailapur,  
age: 64 years. Occ: agri.,  
r/o Gulbarga, since deceased by  
his L.Rs.

- a) Savitribai w/o late Kashinath.
- b) Mallikarjun s/o late Kashinath.
- c) Raghavendra s/o late Kashinath.
- d) Dattatraya s/o late Kashinath.
- e) Nagratnamma d/o late Kashinath.
- f) Kanyakumari d/o late Kashinath.
- g) Vijaylaxmi d/o late Kashinath

All majors and residents of  
Khuba Plot, Gulbarga.

... PETITIONERS

By Sri S.P. Shankar, Adv.)

In CP 167/1997:

Savitribai w/o Kashinath Rao,  
age: 55 years, Occ: Household,  
R/o Gulbarga.

... PETITIONER

(By Sri S.P. Shankar, Adv.)

AND:

1. State of Karnataka through the  
Assistant Commissioner and  
Land Acquisition officer,  
Gulbarga.

2. Gulbarga University Gulbarga,  
by its Registrar.

... RESPONDENTS  
in both the cases.

(By Sri N.B. Bhat, Adv. for R2,  
Sri D. Vishwanath, HCGP for R1)

These Civil Petitions are filed under Order  
47 Rule 1 of CPC praying for review of the orders  
dated 5.9.95 in MFA 2440/88 and MFA 2280/88  
respectively.

These Civil Petitions are coming on for  
orders this day, T.N. VALLINAYAGAM .J., made the  
following.

ORDER

In the affidavits filed in support of the  
applications for condoning the delay, it is  
mentioned that "Against the Judgment and Award the  
petitioner had filed S.L.P. No.6002-6005/1996 (SLP  
No.1447/1996) which came to be terminated on

2.4.1996. The certified copy of the order has not yet reached me. On enquiry, I came to know the date of disposal and the fact that I was orally permitted to seek review of the judgment". Till now, the order copy has not been produced and assertion of the petitioners that they were permitted to seek review of the judgment is not supported by any document or information that can be relied upon by this Court. Even otherwise, there is a delay of 496 days in filing CP 166/97 and 445 days in CP 167/97, which has not been properly explained and explanation given is not sufficient reason within the meaning of section-5 of the Limitation Act. So, both on merits and on the question of delay, both the Civil Petitions as well I.As. are dismissed.

Sd/-  
Judge

Sd/-  
Judge

gss/-