

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 NO.839/96

BETWEEN:

1. Sri Kachu s/o Chudappa Kittur.
2. Sri Lomanna Yallappa Kittur

Since deceased by his L.Rs.

- (a) Laxmi Bai w/o Lumanna Kittur.
- (b) Manohar s/o Lumanna Kittur.
- (c) Monappa s/o Lumanna Kittur.
- (d) Smt. Anusuya Gajanana Kangralkar.
- (e) Smt. Mangal Sidrai Karadi.

3. Babu Yallappa Kittur.

All are majors, Agriculturists,  
R/o Kallehol, Belgaum Taluk and Dist.

All the petitioners are represented by  
the PA holder Sri Manohar Lumanna Kittur,  
r/o Kallehol, Belgaum Taluk & Dist.

... PETITIONERS.

(By Sri Kothavale, Adv.)

AND;

1. The State of Karnataka by its Secretary  
to Revenue Department, Vidhana Soudha,  
Bangalore-560 001.

2. The Land Tribunal, Belgaum by its Chairman  
Taluk and District Belgaum.
3. Sri Raghunath Ramarao Kulhalli.
4. Sri Waman s/o Rama Rao.  
Both are majors, Agriculturists,  
R/o Kallehol Taluk and District Belgaum.
5. Ramesh Krishnaji Kulahalli,  
Major, Occ: Service,  
R/o Belgaum,  
Taluk and Dist Belgaum.
6. Madhukar Krishnaji Kulahalli,  
Major, Occ: Service,  
R/o Belgaum,  
Taluk and District Belgaum.
7. Suresh Krishnaji Kulahalli,  
Major, Occ: Service,  
No.3522, Nervethergalli,  
Belgaum. ... RESPONDENTS.

(By Sri D. Viswanath Naidu, HCGP for R1 & R2)

This Civil Petition is filed under Order 47  
Rule 1 of CPC praying for review of the order dated  
22.11.1995 passed in W.A. No.526/92 etc.,

This Civil Petition coming on for orders  
this day, T.N. VALLINAYAGAM .J., delivered the  
following.

J U D G M E N T

There is a delay of 264 days in filing the  
Civil Petition and the reason given in the  
affidavit is that except the deponent, none in and  
around the place of his residence know English and  
therefore, the purport of the order could not be

communicated to the co-petitioners. It ~~is~~ certainly cannot be a ground for condoning the delay and is not a reason muchless sufficient reason within the meaning of section-5 of the Limitation Act. Even on merits, we find that there is absolutely no point made out for interference in review by this Court. There is no ground at all to interfere in Review. Both on the ground of delay as well as on merits, the Civil Petition is dismissed.

Sd/-  
Judge

Sd/-  
Judge

gss/-