

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 20TH DAY OF JANUARY 2000

BEFORE

THE HON'BLE MR. JUSTICE HARI NATH TIL-HARI

<sup>(Sr.)</sup>  
M.S.A. NO. 365/1992

BETWEEN:

The Special Land  
Acquisition Officer,  
Kalinadi Hydro  
Electric Project,  
Dandeli.

APPELLANT

(By Sri.M. Ramiah, GA.,)

AND:

Leela Kam Datta Rane,  
Major, Ryot,  
R/o Ramanagar,  
Supa Taluk.

RESPONDENT

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M.S.A. filed U/s.54(2) of the L.A. Act,  
against the judgment and order dt.31.1.92  
passed by the Dist. & Sessions Judge, Karwar,  
in R.A.No.72/89, dismissing the appeal and  
confirming the judgment and decree dt.18.7.85  
passed by the Civil Judge, Sirsi, in LAC.No.  
56/84 etc.,

M.S.A. coming on for orders this day, the  
Court delivered the following:-

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O R D E R

The appeal itself had been filed delayed by 121 days without filing the certified copy of the Judgement and award of the Reference Court, that is subordinate Civil Court.

2. The appeal was filed on 13-10-1992, while the Judgement sought to be challenged in appeal had been delivered on 31st Jan 1992.

The certified copy of the Trial Court's order has not been annexed, so the appeal was defective and was not validly filed. Anyway the appeal papers were returned for being refiled after removing the defect in the appeal and to

*Hari Nath Talhara*

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file the certified copy<sup>T.C.'s Judgment & award</sup> as well along with the  
memo, vide <sup>order</sup> ~~order~~ dated 22-11-1999, this Court  
dispensed with the filing of the certified  
copy of the Trial Court's Judgment for six  
weeks only tantamounts to granting six weeks  
further time to furnish the certified copy.  
It has not been done.

Refiling of the appeal has been delayed  
by 2573 days.

3. If the appellant considered that, as one  
of the copies found filed in the appeal, the  
dispensation should be sought for, then appeal  
should have been refiled at the earliest and it  
should not have been delayed for 2573 days and

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it is after this delay, the appeal has been  
refiled with the applications for dispensation  
and condonation of delay.

No good or sufficient ground has been  
shown by the appellant for not filing thereof.  
It has only been stated that delay in refileing  
is due to heavy rush in the Law Department in  
not sending the delay note and also due to non-  
receipt of papers of Reference Court.

The cause stated does not appear to be  
sufficient. The applications for condonation of  
delay in filing and refileing the appeal as well as  
dispensation is hereby rejected. The appeal being  
itself time barred is dismissed.

Sd/  
Judge