

A



IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 25TH DAY OF MARCH 1998

PRESENT

THE HON'BLE MR. JUSTICE ASHOK BHAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED ANWAR

W.A. NO: 5664/17 & 928 OF 1998

BETWEEN :

1. Shah Kanthilal,
S/o Shah Pratapchandjee,
R/o No.116/9, K.R.Road,
Davanagere.
 2. Smt. Padmavathi,
W/o N.R.Sahadevappa,
R/o D.No. 967/2, KTJ Nagar,
Ist Cross, Davanagere,
Chithradurga District. ..Appellants
- (By Sri Mahesh R.Uppin, Advocate)

AND :

1. The State of Karnataka,
by its Secretary,
Housing & Urban Development
Department, Vidhana Soudha,
Bangalore
2. The Davanagere Urban Development
Authority, Davanagere,
Chithradurga District
by its Commissioner ..Respondents

* * *

This appeal is filed praying to set aside the order dt 10.6.97 in W.P. 5564-65/93, etc.,

This appeal is coming on for Orders this day, ASHOK BHAN.J., delivered the following Judgment:

JUDGMENT

This appeal has been filed along with IA-I for condoning the delay of 82 days in filing the appeal and IA-II for condoning the delay of 110 days in filing the appeal.

2. Both IAs and the appeal are taken up together for disposal.

3. For the reasons stated in IA-I the delay of 82 days in refilling the appeal is condoned.

4. Judgment under appeal was rendered on 10.6.1997. The appellants were informed about the dismissal of the writ petition by the counsel for the appellants on the same day. It is stated in the application that between 25.6.1997 to 7.10.1997 appellant No.1 was out of station and had gone to Rajasthan on business trip. On his coming back on 8.10.1997, steps were taken for filing the appeal and the appeal was filed on 28.10.97.

5. We find from the certification on the certified copy of the judgment that the application for obtaining certified copy was filed on 10.7.97. The same was ready for delivery on

Annexure

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15.7.1997 and the delivery was taken on 22.7.1997. The nature of the business of the appellant which detained him for nearly four months in Rajasthan has not been stated. The attitude of the appellant No.1 in taking steps for filing the appeal is nothing but callus. We are not satisfied with the explanation rendered for condoning the delay. IA-II is declined.

6. On merits, we find, that the learned Single Judge has dismissed the writ petition following an earlier decision of this Court. On merits as well, we do not find any substance in the appeal. Dismissed.

Sd/-
JUDGE

Sd/-
JUDGE

VK