



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REGULAR SECOND APPEAL NO.1802 OF 2017

& ORDER ON I.A.No.1/2019 & 1/2025

BETWEEN:

1. STATE OF KARNATAKA
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE REVENUE SECRETARY,
REVENUE DAPARTMENT,
M.S.BUILDING,
BENGALURU-560 001.
3. THE ASSISTANT COMMISSIONER
SAGAR SUB DIVISION,
SAGAR-577 401.
4. THE TAHSILDAR
SAGAR TALUK, SAGAR,
PIN-577 401.

...APPELLANTS

(BY SRI. SANTHOSH S. GOGI, AAG, A/W
SRI JAYALINGAIAH, AGA)

AND:

1. MANJUNATHA S.K.
S/O SHESHAGIRIYAPPA,
53 YEARS.

2. VASANTHA ALIAS V.S.HEGDE,
S/O K.SHESHAGIRIYAPPA,
51 YEARS.

(BOTH ARE RESIDENTS OF
KANUTHOTA, AREHADA VILLAGE,
SAGAR TALUK
PIN-577 401).

...RESPONDENTS

(BY SRI. T.P.RAJENDRA KUMAR SUNGAY, ADVOCATE)

I.A.1/2019 IS FILED UNDER SEC.151 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO RECALL THE ORDER DATED 24.06.2019 PASSED IN I.A.NO.1/2017 FOR CONDONATION OF DELAY, IN THE ABOVE APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

I.A.1/2025 IS FILED UNDER SEC.151 OF THE CPC, PRAYING TO CONDONE THE DELAY FOR PAYMENT OF COST AS PER ORDER DATED 24.06.2019 AND BY PERMITTING TO TAKE THE SAME ON RECORD, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF CPC, PRAYING TO CALL FOR THE ENTIRE RECORDS IN O.S.NO.169/2000 ON THE FILE OF THE ADDL. CIVIL JUDGE (SR.DN.) & JMFC, AT SAGAR AND R.A.NO.273/2010 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACT COURT, SAGAR, SHIVAMOGGA AND SET ASIDE THE JUDGMENTS AND ORDERS PASSED BY THE ADDL. CIVIL JUDGE (SR.DN.) & JMFC, SAGAR IN O.S.NO.169 OF 2000 DATED 21.08.2010 AND R.A.NO.273 OF 2010 DATED 27.01.2014 PASSED BY THE PRESIDING OFFICER, FAST TRACK COURT, SAGAR, BY ALLOWING THIS APPEAL AND ETC.

THIS APPEAL ALONG WITH IAs HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 27.11.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

The present appeal is filed appellants-State, seeking to set aside the judgment and decree dated 27.01.2014 in R.A.No.273/2010 on the file of the Court of the Fast Track, Sagar (herein after referred to as 'the first appellate Court' for short) and judgment and decree dated 21.08.2010 in O.S.No.169/2000 on the file of the Additional Civil Judge (Sr.Dn.) and JMFC, Sagar ('the trial Court' for short)

2. For convenience of reference, the parties herein are referred to as per their ranking before this Court.

3. I.A.No.1/2019 is filed by the respondents with the accompanying affidavit to recall the order dated 24.06.2019 passed in I.A.No.1/2017 for condonation of delay.

IA No.1/2019

Submissions on behalf of the respondents

4. Sri Vasanth @ V.S. Hegde, aged about 50 years, son of Shesharigiyyappa, resident of Kanuthota, Arehada Village, Talaguppa Hobli, Sagar Taluk, Shimoga District, presently at Bangalore, deposes as follows:

5. Sri Vasanth @ V.S. Hegde is the respondent No.2 in the matter and is fully conversant with the facts of the case. He affirms this affidavit on his own behalf and on behalf of the respondent No.1, being duly authorized.

6. The matter came up for consideration of I.A.No.1/2017 for condonation of delay on 24.06.2019. This Court heard the appellants and respondents and passed a conditional order condoning the delay of 1227 days in filing the appeal. During the hearing, the learned Government Advocate sought time to file a better affidavit. This Court observed that the issue of condonation of delay had been considered by the Apex Court in **Commissioner, Mysore Urban Development Authority v. S.S. Sarvesh** reported in **(2019) 5 SCC 144**, relying on the Larger Bench decision in **Sangram Singh v. Election Tribunal, Kotah & Another** reported in **AIR 1995 SC 425**, emphasizing that Courts must do substantial justice and that dismissal on merits is preferred over dismissal by default. Further, submitted that the judgment cited by the respondents, in the case of **Chief Post Master General &**

Ors v. Living Media India Ltd. & Another reported in ***AIR 2012 SC 1606***, was not considered by the Court at that stage.

7. Subsequently, after obtaining copies of the judgments referred by this Court, the respondents noted that the judgments cited by the Court had not based on limitation or condonation of delay and were therefore inapplicable. Conversely, the decision in ***Chief Post Master General and others*** case *supra*, was directly relevant. Further, I.A.No.1/2017 was decided solely based on the judgments cited by this Court, without considering objections filed by the respondents, including that all appellants were parties to O.S.169/2010 before the Additional Civil Judge (Sr. Div.), Sagar, ('the trial Court' for short) and R.A.273/2010 before the Fast Track Court, Sagar ('the first appellate Court' for short). The first appellate Court, after considering evidence and documents, decreed the respondents as owners in possession by judgment and decree dated 27.01.2014.

The appellants did not prefer an appeal within the statutory period.

8. It is further deposed that in W.P.No.51880/2016, this Court directed the appellants to effect revenue entries pursuant to the decree dated 27.01.2014 within two months from 15.11.2016. No action was taken, necessitating contempt petitions CCC (Civil).No.989/2017 and 1028/2017. By order dated 17.08.2017, this Court directed the appellant No.4 to comply and report by 07.09.2017. The appellants filed the Second Appeal on 29.08.2017 to avoid contempt proceedings, revealing lack of *bona fides*. No explanation was given for the delay of 33 months between 27.01.2014 and 11.11.2016. The total delay of 1227 days was inordinate and without sufficient justification.

9. It is also contended that the respondents remain in lawful possession and as no substantial question of law arises, the appeal is liable to be dismissed. In view of the error apparent on the face of the record, the order dated 24.06.2019 on I.A.No.1/2017 ought to be recalled.

Objections to IA No.1/2019 on behalf of the appellants/State

10. The appellants submit that the IA No.1/2019, filed by the respondents seeking recall of the order dated 24.06.2019 passed in I.A.No.1/2017—whereby delay in filing the Regular Second Appeal was condoned is not maintainable.

11. It is contended that the respondents have failed to present the true and complete facts and have suppressed material particulars. The averments in the affidavit filed by the respondents are partly admitted. The appellants reiterate that the delay in filing the appeal was neither wilful nor deliberate, and the grounds urged by the respondents for recalling the order dated 24.06.2019 are unreasonable, unsupported, and do not meet any legal threshold.

12. Pursuant to the order dated 24.06.2019, this Court had directed the appellants to deposit costs of Rs.25,000/- within four weeks and directed respondent No.1 to conduct an enquiry regarding responsibility for the

delay. This communication was duly issued by the Government Advocate vide letter dated 27.06.2019 (Document No.1). Thereafter, appellant No.2 issued communication to the Deputy Commissioner, Shivamogga, on 06.09.2019, and the concerned Tahsildar informed Appellant No.3 (Assistant Commissioner) telephonically on 13.09.2019, followed by written intimation dated 18.09.2019 (Documents Nos. 2 and 3). Owing to the then Tahsildar's cancer diagnosis and subsequently the Covid-19 pandemic, there were major disruptions in administrative functioning and Government office operations, which resulted in the delay in payment of costs and in conducting the enquiry.

13. It is further submitted that by letter dated 04.08.2025, appellant No.2 instructed the Deputy Commissioner to take disciplinary action against the concerned officer and recover the penalty of Rs.25,000/- (Document No.4). The appellants have now deposited the cost amount of Rs.25,000/- on 23.11.2025 before this Court and proof of payment has been filed through a

separate application. The respondents have withheld these material developments and have attempted to reopen a matter already adjudicated upon after due hearing.

14. It is contended that through the additional affidavit filed by appellant No.4, the material documents have been placed on record to demonstrate that administrative steps were indeed taken. The appellant No.2 had communicated to the Deputy Commissioner on 07.09.2021 regarding issuance of charges against the erring officials. The Deputy Commissioner, by communication dated 09.01.2023, informed that the earlier Tahsildar had retired and requested the Government to drop proceedings as per Karnataka Civil Services Rules (KCSR) (Documents Nos.5 and 6).

15. The Deputy Commissioner further communicated on 09.01.2023 to appellant No.4 recommending issuance of charges and recovery of Rs.25,000/- from one Chandrashekar, the First Division Assistant ('the FDA' for short), from whom the cost has now been recovered (Document No.7). The appellant

No.2, by letter dated 04.07.2023, refused to drop the proceedings and the Deputy Commissioner reiterated the direction to proceed against the FDA through letter dated 22.07.2023 (Documents No.8 and 9). These records show that the delay in enquiry was neither intentional nor deliberate but caused by administrative disruptions attributable mainly to Covid-19.

16. It was also contended that the respondents have not made out any ground for recalling the order dated 24.06.2019. A recall can be entertained only in cases of fraud, misrepresentation, procedural error, or orders passed without notice—none of which are present here. The order on I.A.No.1/2017, condoning the delay in filing the regular second appeal was passed after hearing both sides and the respondents were fully represented and had the opportunity to contest. It is contended that once delay is condoned on merits, such an order attains finality and cannot be reopened through a recall application. Recall is not a substitute for appeal or review. The respondents are

attempting to reargue the delay petition under the guise of a recall application, which is legally impermissible.

17. Hence, it is contended that the recall application filed by the respondents is premature, as the respondents approached this Court even before expiry of the four-month period granted for completion of the enquiry. It is also a *mala fide* intention only to protract proceedings and obstruct adjudication of the Regular Second Appeal on merits. The respondents have misrepresented facts, failed to establish any error apparent on the face of the record or procedural irregularity, and have abused the process of law. The order dated 24.06.2019 is a reasoned and valid order passed after due consideration, and no grounds exist to disturb or unsettle it under Section 151 of the CPC.

18. The appellants submit that grave prejudice will be caused if the recall application is allowed, whereas the respondents have no equitable or legal right to seek such relief. All other allegations not specifically traversed are denied as false. The application filed by the respondents is wholly misconceived, devoid of merit, and liable to be

dismissed. The appellants seek leave to urge additional grounds at the time of hearing, if necessary.

IA No.1/2025

Submissions on behalf of the appellants/State

19. I.A.No.1/2025 is filed by the appellants-State to condone the delay for payment of cost of Rs.25,000/-, within a period of four weeks as per order dated 24.06.2019.

20. In the present Regular Second Appeal, the appellant has sworn an affidavit stating that, the appellants failed to pay the cost of Rs.25,000/- within four weeks pursuant to the order dated 24.06.2019. It is affirmed that the delay occurred on account of *bona fide* and unavoidable circumstances like the Covid-19 situation and the fact that the then Tahsildar was suffering from cancer, which impeded proper communication and compliance.

21. The appellant submits that the cost amount has now been paid on 13.11.2025 by cash vide receipt

No.1738743 before this Court and seeks that the said payment be taken on record by condoning the delay. It is also averred that, not condoning delay would result in irreparable hardship and defeat the very purpose of the appeal. The appellant, therefore, prays that the application filed along with the receipt for payment of costs be allowed.

22. In support of the contentions raised by the respondents, the learned counsel has placed reliance on the following judgments:-

- ***Shivamma v. Karnataka Housing Board,***
reported in 2025 SCC OnLine SC 1969;

249. Once the State chooses to litigate, it must shoulder the same responsibilities and abide by the same limitations that bind every litigant. To permit the State to evade the consequences of delay on the ostensible plea that the fault lay with individual officers would amount to diluting the rigour of limitation statutes and undermining their very object. Such an approach would not only privilege the State unjustly over private parties but would also perpetuate a culture of indifference and irresponsibility within the administration.

XXX

259. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

260. From the above exposition of law, it is abundantly clear that the High Court has erroneously condoned a massive delay of 3966 days on account of certain lapses at the administrative levels and of there being no follow-ups in the proceedings, along with finding certain merits in the case of the respondent no. 1 against the maintainability of the suit of the appellant and that of the relief molded by the First Appellate Court. We have no hesitation in stating that such grounds are nowhere near to being "sufficient cause" as per Section 5 of the 1963 Act. The High Court lost sight of the fact that the precedents and authorities it relied upon by it had delays of two-digits, or even that of single-digit, more particularly the delay in those cases was supported by sufficient cause. The present case, however, stands on a very different footing, owing to such an enormous delay. Hence, we are not inclined to accept the condonation of the delay by the High Court.

xxx

262. The High Courts ought not give a legitimizing effect to such callous attitude of State

authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

- **Postmaster General and others v. Living Media India Ltd. and another** reported in **(2012) 3 SCC 563;**

25. We have already extracted the reasons as mentioned in the "better affidavit" sworn by Mr Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in Office of the Chief Postmaster v. Living Media India Ltd. [(2009) 8 AD 201 (Del)] as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9-2009 or at least within a reasonable time. The fact remains that the certified copy was applied for only on 8-1-2010 i.e. after a period of nearly four months.

26. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of

the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern

technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

- **Indian Bank v. Satyam Fibres (India) Pvt. Ltd.** reported in **(1996) 5 SCC 550;**

*23. Since fraud affects the solemnity, regularity and orderliness of the proceedings of the court and also amounts to an abuse of the process of court, the courts have been held to have inherent power to set aside an order obtained by fraud practised upon that court. **Similarly, where the court is misled by a party or the court itself commits a mistake which prejudices a party, the court has the inherent power to recall its order.** (See: Benoy Krishna Mukerjee v. Mohanlal Goenka [AIR 1950 Cal 287] ; Gajanand Sha v. Dayanand Thakur [AIR 1943*

Pat 127 : ILR 21 Pat 838] ; Krishnakumar v. Jawand Singh [AIR 1947 Nag 236 : ILR 1947 Nag 190] ; Devendra Nath Sarkar v. Ram Rachpal Singh [ILR (1926) 1 Luck 341 : AIR 1926 Oudh 315] ; Saiyed Mohd. Raza v. Ram Saroop [ILR (1929) 4 Luck 562 : AIR 1929 Oudh 385 (FB)] ; Bankey Behari Lal v. Abdul Rahman [ILR (1932) 7 Luck 350 : AIR 1932 Oudh 63] ; Lekshmi Amma Chacki Amma v. Mammen Mammen [1955 Ker LT 459] .) The court has also the inherent power to set aside a sale brought about by fraud practised upon the court (Ishwar Mahton v. Sitaram Kumar [AIR 1954 Pat 450]) or to set aside the order recording compromise obtained by fraud. (Bindeshwari Pd. Chaudhary v. Debendra Pd. Singh [AIR 1958 Pat 618 : 1958 BLJR 651] ; Tara Bai v. V.S. Krishnaswamy Rao [AIR 1985 Kant 270 : ILR 1985 Kant 2930] .

- **Commissioner, Mysore Urban Development Authority v. S.S.Sarvesh** reported in **(2019) 5 SCC 144.**

11. The first appeal (RA No. 370 of 2012) filed by the appellant Authority suffered dismissal in default on 25-4-2014 because on that day none appeared for them when the appeal was called on for hearing. Such dismissal attracted the provisions of Order 41 Rule 19 of the Code and, therefore, the appeal could be readmitted for hearing at the instance of the appellant Authority only by taking recourse to the provisions of Order 41 Rule 19 and subject to their making out a sufficient cause which prevented them from appearing on 25-4-2014 when the appeal was called on for hearing.

12. An order of refusal to readmit the appeal passed by the appellate court under Order 41 Rule 19 of the Code is made expressly appealable under Order 43 Rule 1(t) of the Code to the High Court. In this case, since the appellate court refused to readmit the appeal and dismissed the application filed by the appellant Authority, the remedy of the appellant Authority was to file an appeal in the High Court against the order dated 29-6-2016 under Order 43 Rule 1(t) of the Code.

13. The appellant Authority instead of filing the appeal under Order 43 Rule 1(t) of the Code, filed the writ petition under Article 227 of the Constitution against the order dated 29-6-2016. It was an error on the part of the appellant Authority and the High Court should have declined to entertain the writ petition and instead either converted the writ petition into the appeal under Order 43 Rule 1(t) of the Code or permitted the appellant Authority to withdraw the writ petition with a liberty to file an appeal under Order 43 Rule 1(t) of the Code, as the case may be, in its discretion. It was, however, not noticed and the High Court dismissed the writ petition on merits.

- **State of Uttar Pradesh and Another. v. Prem Chandra** by order dated **27.11.2020**, passed in **SLP (Civil) Dairy No.971/2020**;
- **M/s Wine Agencies v. Financial Commissioner and others** reported in **AIR 2000 SC 3574 (1)**;

- ***Balwant Singh (dead) v. Jagadish Singh and Others*** reported in ***AIR 2010 SC 3043***;

23. Heard learned counsel appearing on either side and perused the judgment relied upon by the counsel for the parties and material placed on record.

24. It is observed by this Court that the Court owes a duty to first ascertain the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the Court may bring into aid the merits of the matter for the purpose of condoning the delay.

25. However, in the present case, it is very much clear that there is delay of 1227 days in preferring the above appeal on account of certain administrative lapses and of there being no sufficient cause shown in the proceeding, along with reference to findings and certain merits of the case. In view of the same, this Court has erroneously condoned the delay of 1227 days in filing the

above appeal without observing the sufficient cause as per Section 5 of the Limitation Act, 1963.

26. It is further observed that as per order dated 24.06.2019, the appellant failed to comply the direction of the Court with regard to the payment is concerned and they come forward to file IA No.1/2025 seeking condonation of delay instead of seeking an application for extension of time for compliance of the order of this Court dated 24.06.2019 after a lapse of nearly 6 years. As it appears that the lapses on the part of the appellant in compliance of the order and proceedings in following the precedents.

27. With regard to the maintainability of recalling application i.e., I.A.No.1/2019, it is observed that the counsel for the appellant/State raised objections with regard to the recall of order dated 24.06.2019 and questioned the maintainability of the recall application.

28. On hearing the submissions of the counsel for the parties, where the Court is misled by the party or

Court itself commits a significant mistake prejudicing a party, that is without considering the objections filed by the respondents and failed to appreciate the explanation with regard to the sufficient cause shown in the affidavit filed by the appellant, in such cases, the Court has inherent power to recall the order.

29. For the reasons stated above, this Court considers it necessary to reiterate that administrative delay or laxity can never be treated as a sufficient cause for condoning delay. When the State chooses to litigate, it is bound by the same law of limitation as any other litigant. Delay cannot be condoned on vague or casual grounds unless the State clearly establishes *bona fide* conduct and due diligence. Though procedure is meant to advance justice, the Courts cannot ignore or dilute statutory requirements of limitation merely to accommodate a litigating State which has acted in a negligent or indifferent manner.

30. In this regard, while considering the application filed by the appellant by condoning the delay of 1227 days

by this Court vide order dated 24.06.2019 and on hearing the recall application filed by the respondents it is observed that an procedural abuse has occurred while considering the sufficient cause as per Section 5 of the Limitation Act, 1963. In view of the same, this Court intend to correct the procedural abuse. Therefore, the IA No.1/2019 filed by the respondents is maintainable.

31. In view of allowing the recalling application in IA No.1/2019 and the order dated 24.06.2019 condoning the delay having been set aside, IA No.1/2025 filed by the appellant-State seeking condonation of delay in payment of costs does not survive for consideration and is accordingly **dismissed**.

32. It is further observed that there is an inordinate delay of 1227 days in filing the Regular Second Appeal and no sufficient cause has been made out as required under Section 5 of the Limitation Act, 1963. Therefore, without going into the merits of the case, the Regular Second Appeal is **dismissed** as barred by limitation.

33. In the result, this Court proceed to pass the following

ORDER

(i) IA No.1/2019 filed by the respondents is hereby allowed and the impugned order dated 24.06.2019 is hereby set aside.

*(ii) In view of allowing the IA No.1/2019, IA No.1/2025 filed by the appellant-State lacks merit and is hereby **dismissed**.*

(iii) It is further directed the registry to return the cash paid receipt bearing No.1738743 deposited before the office of this Court.

(iv) In view of inordinate delay of 1227 days in filing the present appeal, the present appeal shall not survive for consideration.

Accordingly, the appeal stands **dismissed** on the ground of inordinate delay.

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**