

Appellant No.1 is present. She herself examined as PW-1 on IA No.I. She has filed an affidavit in lieu of her examination in chief. EX-P1 got marked and completed.

Respondent No.1, 2 and 4 have not filed objection to IA No.I. Hence, cross examination of PW-1 is taken as nil.

Heard.

For orders kept by.....

I Addl. Sr.CJ & JMFC,  
K.R.Pete.

**ORDERS ON I.A.No.I**

The appellants have filed IA No.I U/s 5 of Limitation Act seeking to condone the delay of 116 days in preferring the present appeal.

2. The appellant No.1 namely Smt. Vasanthamma W/o Late Subbaiah in her affidavit annexed to this application has stated that, appellants have filed present appeal against the Judgment and Decree passed by the Hon'ble Civil Judge and JMFC., K.R.Pete in OS No. 217/2011 dated 12.02.2025.

3. Further she has stated that, due to her daughter marriage she could not able to met her counsel to prefer the present appeal within stipulated time. The delay is not intentional and it is caused due to bona fide reasons. If this application is not allowed hardship causes to her, if this application is allowed no prejudice will be caused to the other side. She has very good case on merits, hence prays for condone the delay of 116 days in preferring this appeal.

4. On the other hand respondent No.1, 3 and 4 have not filed their objection to the present IA within reasonable time. Hence,

objection to IA No.I is taken as nil. Appellant No.1 has examined as PW-1 and filed a document as per EX-P1.

5. Heard on IA No.I and perused the entire records.

6. Following points would arise for consideration of this court as follows:

**POINTS**

**1. Whether the appellants have made out sufficient grounds to condone the delay of 116 days in preferring the present appeal?**

**2. What order?**

7. My findings on the above points are as follows:

Point No:1 : In the **Affirmative**,

Point No.2: As per the final order  
for the following,

**REASONS**

8. **Point No.1:** On perusal of the records it shows that, appellants were the plaintiffs before the trial court, the respondents were the defendants in the trial court. Further it appears that original plaintiff namely Sri. Subbaiah has filed suit in O.S. No. 217/2011 for partition and separate possession. Said suit was dismissed on 12.02.2025. Aggrieved by the same preferred the present appeal on 12.08.2025. There is delay of 116 days in preferring the present appeal. As already stated above the appellant in her affidavit has stated that, due to her daughter's marriage she could not able to prefer appeal within time.

9. On the other hand, the respondents have not objected the present application. On perusal of the reasons stated in the accompanied affidavit it is clearly appears that, reasons stated in the affidavit are genuine. PW-1 has furnished marriage invitation card her daughter as per EX-P1 where in it appears that her daughter marriage solemnized as 17.04.2025. Therefore it is necessary to condone the delay of 116 days on cost only to meet ends of justice. It is relevant to note that, the

law always favour to dispose of the matter on merits. Accordingly, I Answer Point No.1 in the **Affirmative**.

10. **Point No.2:** In view of findings on above points, I proceed to pass the following:

**ORDER**

I.A.No.I filed by the appellants Under Sec. 5 of Limitation Act is hereby allowed on cost of Rs.1,000/-.

The delay of 116 days in preferring the present appeal is hereby condoned.

Call for TCR by 23.03.2026.

I Addl. Sr.CJ & JMFC,  
K.R.Pete.