

The applicant / appellant has filed an application under Sec.5 of Limitation Act praying this court to condone the delay of 5 days in filing the appeal and proceed with the appeal in accordance with law.

It is stated in the accompanying affidavit that appeal is being filed against the judgment and decree dated 27.01.2026 passed in O.S.No.530/2015 on the file of II Addl. Civil Judge and JMFC, Udupi. This court has gone through the contents of affidavit wherein the gist of the affidavit is that, due to not contacting the Advocate in time the appeal could not be filed within time and there is a delay of 5 days. Further it is also the contention that the appellant is a widow with two daughters and working as housemaid and there is a bonafide reasons for not filing the appeal in time. No hardship will be caused if the delay is condoned.

On the other hand the 1st respondent has filed statement of objections, wherein she has denied all the grounds stated in the application and further it is the contention of the 1st respondent that there is a intentional delay only tease and harass the 1st respondent. Therefore, prays to reject the application.

Having heard from both sides, it can be seen that it is not in dispute that there is no intentional delay and if the reasons are perused in the affidavit this court is of the opinion that due to acceptable reasons an appeal could not be filed in time. But on the other hand hardship is caused to the respondents and that can be compensated by imposing cost upon the appellant. Therefore, this court proceeds to pass the following :

ORDER

The I.A. filed under Sec.5 of Limitation Act is hereby allowed.

The delay stands condoned on cost of Rs.2,000/- payable to the respondents strictly by next date of hearing.

The interim order stands extended only till next date of hearing.

Appellant is directed to put-forth the arguments by next date of hearing.

Call by 20.06.2026.

(Santosh Srivastava)

Addl. Senior Civil Judge and A.C.J.M.,
Udupi.