

IN THE COURT OF THE ADDL.DISTRICT JUDGE II, ALAPPUZHA

Present: Smt.Bindu Sudhakaran, Addl. District Judge II

Wednesday the 3rd day of June, 2026

IA.01/2025 in AS.11/2025 (Filed on. 14.02.2025)

(Appeal against the Judgment and Decree in O.S.No.652/2020 dated 17.11.2023 on the file of Munsiff's Court, Alappuzha)

Petitioners/Appellants:-

1. Sreekumar, aged 59 years,
S/o. Appukuttan Nair
Velimparambil, Kakkazham,
Ambalappuzha North Village,
Alappuzha.
2. Shobha Sreekumar, aged 56 years,
W/o. Sreekumar
Velimparambil, Kakkazham,
Ambalappuzha North Village,
Alappuzha.

(By Adv.Smt. Archana.S.Nair)

**Cr.Petitioners/
Respondents:-**

1. Chandrababu, aged about 52 years,
S/o. Reghuvaran
Viji Nivas, Kakkazham Vandanam P.O.,
Ambalappuzha North Village,
Alappuzha.
2. Viji, aged 46 years,
W/o. Chandrababu
Viji Nivas, Kakkazham Vandanam P.O.,
Ambalappuzha North Village,
Alappuzha.

(By Adv. Sri.S.Sreekanthan)

This Delay Condonation Petition having been finally heard on 03.06.2026 and the court on the same day passed the following:-

ORDER

This is an application filed by the appellants u/s 5 of the Limitation Act to condone the delay of 421 days in filing the appeal.

2. The respondents filed objection.

3. Both sides did not adduce any evidence.

4. Both sides were heard.

5. The appellants were the defendants before the trial court. The suit was one for recovery of money. The suit was decreed by the trial court and that led to the appeal.

6. Petitioner no.2 is the wife of petitioner no.1. It is averred in the application that petitioner no.1/appellant no.1 is a cancer patient and due to his ill health, the petitioners could not hand over necessary documents to their counsel to file appeal in time.

7. The respondents filed objection denying the averments in the application.

8. The petitioners produced copies of medical records to show that petitioner no.1 was undergoing treatment at Regional Cancer Center, Thiruvananthapuram.

9. Application filed u/s 5 of the Limitation Act has to be construed in a liberal manner. As far as possible, the case has to be disposed of on

merit. In the said view of the matter, I am of the opinion that the delay caused has been satisfactorily explained and the delay is liable to be condoned.

10. At the same time, the respondents have to be compensated for the delay and inconvenience caused to them. In my view, awarding costs of ₹ 5,000/- (Rupees Five Thousand only) will serve the ends of justice.

11. In the result, the application is allowed subject to the condition that the petitioners will pay costs of ₹ 5,000/- (Rupees Five Thousand only) to the respondents and file memo within 15 days from today.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 3rd day of June, 2026.

Sd/-

BINDU SUDHAKARAN.
ADDL.DISTRICT JUDGE-II

Appendix:- NIL

Id/-

ADDL. DISTRICT JUDGE -II