

**IN THE COURT OF THE DISTRICT JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, District Judge**  
**Friday the 17<sup>th</sup> day of October, 2025/25<sup>th</sup> Aswina 1947**

**I.A. No. 01/2025 in Commercial Appeal No.04/2025**  
(Filed on 21.06.2025)

Petitioner/: Gopakumar Ramachandran, Aged 58 years,  
Appellant S/o Ramachandran, Proprietor M/s. Sree Balaji  
Rubber and Chemicals, residing at Lakshmi House,  
Eroor, Nadama Village, Kanayannur Taluk,  
Ernakulam District, Pin 682 306

By Adv.R.Jayasimhan and Adv.K.George

Respondent: The South Indian Bank Ltd., represented by its  
Senior Manager/Branch Head, Cherthala Branch  
SSTNS Shopping Complex, Cherthala P.O, Cherthala  
North Village, Cherthala North Muri, Cherthala Taluk,  
Alappuzha

By Adv.Anish Madhav.A

This petition is filed by the Petitioner/ Appellant under Section 5 of the Limitation Act to condone the delay of 76 days in filing the appeal . This petition having been heard on 17.10.2025 and the court on the same day passed the following:-

**ORDER**

This petition is filed under Section 5 of the Limitation Act by the petitioner, who is the appellant in the above numbered appeal, to condone the delay of 76 days in filing the appeal against the judgment and decree of the trial court passed on 10.03.2025 in C.S.No.18/2022.

2. In the affidavit filed in support of the petition, the petitioner contended as follows: The petitioner is the appeal in the above appeal. He is the proprietor of 'M/s.Sree Balaji Rubber and Chemicals'. For his business purpose, he availed loan from the respondent-Bank and for realization of the said loan amount, the respondent filed this suit. The trial court decreed the suit by judgment dated 10.03.2025 and the respondent is allowed to recover

₹15,99,030/- alongwith interest for the principal amount of ₹11,40,789/- @ 16.30% per annum. In the suit, the petitioner had a case that the respondent had no right to realise penal interest from him and he claimed for payment on installment basis. But the trial court by not considering the above contentions, decreed the suit. Against the judgment, petitioner herein approached this court by filing appeal. But, unfortunately, he could not file the appeal within the stipulated time as the certified copy of the judgment was misplaced at the office of his counsel. Later, it was traced out from another case file and filed the appeal. But, there occurred a delay of 76 days in preferring the appeal. There is no willful laches or negligence on his part to file the appeal on time. He has tenable contentions to be raised in the appeal and as such there is every chance to allow this appeal. Hence this petition.

3. Notice issued to the respondent. Even though respondent represented through counsel and submitted that the respondent has no objection for allowing the petition.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that there was no deliberate laches from the part of the petitioner in filing the appeal on time. As the certified copy of judgment was misplaced at the office of the counsel and to trace out the same, some time was taken. So, the delay caused. The learned counsel appearing for the respondent raised no objection to allow this petition.

5. I have perused the affidavit submitted by the petitioner and available records. The reason stated by the petitioner for the delay caused in

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filing the appeal within the stipulated time is found to be genuine. So, considering the reason stated by the petitioner, there was no willful laches or negligence from his side to file appeal against the judgment of trial court. Considering the facts and circumstances of the case, I am of the opinion that the reason stated in the petition for the delay of 76 days in filing the appeal is sufficient. Therefore, the delay of 76 days in preferring the appeal is condoned.

In the result, the petition is allowed.

*(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 17<sup>th</sup> day of October, 2025).*

Sd/-

**K.K.BALAKRISHNAN  
DISTRICT JUDGE**

**APPENDIX: Nil**

*Id/-*

**DISTRICT JUDGE**