

IN THE COURT OF THE DISTRICT JUDGE, ALAPPUZHA
Present: Smt.Honey M.Varghese, District Judge
Monday the 30th day of March, 2026/ 9th Chaithra 1947

I.A. No.1/2025 in CMA No.68/2025
(Filed on 13.11.2025)

Petitioner/ Kerala State Electricity Board Limited represented by
Appellant its Secretary, Vaidhyuthi Bhavan, Pattom P.O,
Thiruvananthapuram

By Adv.Jayan C.Das

Respondents/ : 1. George M.George, Managing Director,
Defendants M/s.Muthoot Leisure and Hospitality Services,
Xanvari River Scapes, Near Pallathuruthy Bridge,
AC Road, Alappuzha
2. Ananthu B.Raj, Aged 29 years, S/o Baburaj.C,
Raj Bhavan, N.T Ward, Avalookunnu P.O,
Alappuzha
3. The New India Assurance Co.Limited,
Kottakkal Arya Vaidyasala Building,
P.B.No.2451, M.G.Road, Ernakulam, Cochin
Pin 682016 represented by its Branch Manager

R1 By Adv.P.K.Mathew

This petition having been finally heard on 30.03.2026 and the court passed the following:-

ORDER

This petition is filed by the petitioner/appellant to condone the delay of 305 days in filing the appeal challenging the order dated 30.11.2024 in Restoration Petition No.17/2024 on the file of Addl. Munsiff, Alappuzha, filed for restoring O.S.398/2020.

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2. Petitioner is working as the Asst. Executive Engineer of Mancombu Sub Division, KSEB, Alappuzha, representing the appellant. He is the plaintiff and respondents herein are the defendants in O.S.398/2020. The suit was filed for realising damages caused by the defendants due to their rash and negligent acts and mischief to the 'A' pole and transformer DP structures at Nedumudi under Electrical Section, Mancombu. The suit was listed for trial on 16.01.2024. But the said date was mistakenly noted by the counsel for the plaintiff/appellant as 06.02.2024 instead of 16.01.2024. The said mistake came to the notice of the counsel for the plaintiff/appellant only on 06.02.2024. So, he filed Restoration Petition No:17/2024 before the trial court but the same was dismissed on 30.11.2024. Certified copy of the above order is misplaced at the office of the counsel for the appellant and he applied for another copy on 20.06.2025 and the same was obtained only on 26.06.2025. Thus, there occurred a delay of 305 days in filing the appeal. There is no willful negligence or laches on the part of the petitioner. If the delay is not condoned, irreparable loss and injury will be caused to the petitioner. Hence this petition.

3. Respondents filed objection stating that the petition is not maintainable either in law or on facts. The allegation that they obtained a certified copy and that was misplaced is false. On verification of records

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it is found that there is no such copy application filed by the appellant/petitioner. The petition is filed to drag the matter. There is no sufficient ground for condoning the delay. If the petition is allowed it will lead to miscarriage of justice. Hence, prayed to dismiss the petition with cost.

4. Heard both sides.

5. The contention of the petitioner is that the order of the trial court was misplaced at the office of his counsel and he obtained another copy on 26.06.2025. So there occurred a delay of 305 days in filing the above appeal. The learned counsel for the respondents on the other hand contended that the reason stated by the petitioner for condoning the delay is not sufficient. This court has to consider the object behind the Limitation Act that the matter is to be disposed of on merit than technically. Condonation of delay is the discretion of the court. It is true that in every delay there is some kind of negligence. But the court has to consider whether the delay affected the other side seriously. No such circumstance is available here. Hence, resorting to the basic principle the reason stated in the petition is accepted as sufficient to explain the delay. Therefore, in the said circumstance, I am of the view that the delay of 305 days in filing the appeal can be condoned on payment of cost of ₹3,000/- (Rupees Three Thousand Only) to the respondents.

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In the result, the petition is allowed and the delay of 305 days in filing the appeal is condoned on payment of cost.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 30th day of March, 2026.

Sd/-
HONEY M.VARGHESE
DISTRICT JUDGE

APPENDIX: Nil

Id/-
DISTRICT JUDGE