

IN THE COURT OF THE SUB JUDGE, CHERTHALA

Present:-Ms. Lakshmy.S., Sub Judge

Wednesday, 2nd day of April 2025/12th Chaithra 1947

IA 1/2024 in AS . 24/2024

(Filed on: 04.03.2024)

Petitioner /Appellant:-

1. State of Kerala represented by District Collector,
Alappuzha.
2. Tahsildar, Taluk Office, Cherthala
3. Village Officer, Arookutty

By Addl. Govt. Pleader

Cr. Petitioner/Respondents :-

1. Thankappan Achary, S/o. Narayanan Achary, Illathuchirayil,
Arookutty .P.O, Arookutty Village, Cherthala Taluk.
2. Santhoshkumar, S/o. Thankappan Achary, Of-do-do--
3. Leenadevi, D/o. Thankappan Achary, Of-do-do-
4. Jayalalitha, D/o. Thankappan Achary, Of-do-do-

By Adv. Mathew Alexander

This petition having been finally heard on 01.04.2025 and the Court on 02.04.2025 passed the following:-

ORDER

This petition is filed by the appellant under O.XLI R.3A of CPC and Sec.5 of the Limitation Act to condone the delay of 70 days in filing the appeal.

2. The averments in the petition, in brief, are as follows:

The decree and judgment passed on 28.10.2023 in OS.531/2018 is under challenge in the present appeal. The appeal ought to have been filed on 19.12.2023 and there occurred a delay of 70 days in filing the appeal. The petitioner addressed the District Collector seeking permission to file appeal and the same got delayed due to administrative reasons. The same did not happen due to any willful latches and hence the petition to condone the delay.

3. The respondents submitted that they have no serious objection to the I.A.

4. Heard and perused the records.

5. The following points arise for consideration.

- (i) Is there is any sufficient ground to condone the delay 70 days in filing the appeal?
- (ii) Is the petition allowable?
- (iii) Order as to costs?

6. **Point Nos. 1 and 2:** These points are considered together for convenience. The petition is to condone the delay of 70 days in filing the appeal against the judgment and decree in OS.531/2018 before the Munsiff's Court, Cherthala. The reason for the delay is that the petitioners could not get permission from District Collector. The said contention of the petitioner is not seriously disputed by the respondent and State is the appellant.

7. Hence, this court finds that an opportunity can be granted to the petitioner to contest the matter, for a meritorious disposal of the appeal suit. Points are answered accordingly.

8. **Point No.3:-** Considering the facts and circumstances of the case, costs is ordered to the respondents.

In the result, I.A. is allowed with costs to the respondents.

Dictated to the Confidential Assistant, typed by her directly to the Computer, corrected and pronounced by me in open court on this the 02nd day of April, 2025.

Sd/-
LAKSHMY.S
SUB JUDGE

Appendix:- Nil

Id/-