

IN THE COURT OF THE ADDITIONAL MUNSIFF, CHERTHALA

Present: Sri. Mahesh. M., Additional Munsiff

Friday, the 10th day of October, 2025 /18th Aashwinam, 1947.

IA No.06/2025 in O.S. No. 482/2024

(Filed on 03.04.2025)

Petitioner/1st Defendant:-

Dinesh.P, aged 49,
S/o Prabhakaran, Panakkathara House,
Aroor P.O, Alappuzha District.

By Adv. Joji.K.Antony.

Respondents / Plaintiff / 2nd and 3rd Defendants:-

1. Prabhakaran, aged 86,
S/o Kitta sanku, Panakkathara House,
Aroor P.O, Alappuzha District.
2. Deepa Dinesh,
W/o Dinesh, Panakkathara House,
Aroor P.O, Alappuzha District.
3. Lekshmi Dinesh,
D/o Dinesh, Panakkathara House,
Aroor P.O, Alappuzha District.
R1 by Adv. V. N Subhangan
R2 and R3 by Adv.P.Manoj

This petition having been finally heard on 10.10.2025 and the court on the same day passed the following :-

ORDER

This is a petition filed by the petitioner to condone the delay of 40 days in filing review petition (IA 4/25) . The petitioner is the 1st defendant in the above suit. According to the petitioner, there is a delay of 40 days in filing IA 4/25. The petitioner contends that the delay occurred not because of any laches from him or his counsel. Hence the petitioner contends that the delay may be condoned. On going through the averments in the accompanying affidavit, it can be seen that no reason is stated for the delay occurred. The affidavit and petition are totally silent with regard to the cause of delay. It is only stated that there is a delay of 40 days. It is true that delay condonation petitions are to be dealt with liberally. But the petitioner has a duty to satisfy the court that he had sufficient cause for not filing the petition in time. In this petition, no such sufficient cause or any cause is mentioned. This court firmly believes that, such a thing is totally against the statutory provision of section 5 of Limitation Act. The petitioner does not have an inherent right to get the delay condoned without showcasing a sufficient cause. When no cause is mentioned, then it can only be seen that there is no sufficient cause. So this court is of the view that the present petition is totally against the rudimentary principles contained in Sec.5 of Limitation Act. As no reason or cause is mentioned by the petitioner for the delay occurred, the

said delay cannot be condoned at all. Hence this petition is found to be meritless and deserves dismissal.

In the result, the IA is dismissed.

(Pronounced by me in the open court on this the 10th day of October, 2025.)

Sd/-
MAHESH M.
ADDITIONAL MUNSIFF

APPENDIX :- NIL

Sd/-
ADDITIONAL MUNSIFF