

IN THE COURT OF DISTRICT JUDGE, ERNAKULAM

Present:

Smt. Honey M. Varghese, District Judge

Wednesday, the 6th day of August, 2025/15th Sravana, 1947

I.A. No.1 of 2025 in A.S. No. 35 of 2025

Petitioner/Appellant:-

Rekhalatha, aged 59 years, W/o. Subramanian, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Thoppumpady Village, Thoppumpady P.O., Kochi-682005.

By Advs. Suraj Krishna B.S and Sarath Chand C.M

Respondents/Respondents:-

1. Bharati Balan Pillai, aged 72 years, W/o. Late Balan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Karuvelipadi, Thoppumpady P.O., Kochi-682005.
2. Ajesh, aged 45 years, S/o. Late Balan Pillai Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Karuvelipadi, Thoppumpady P.O., Kochi-682005.
3. Chithra Ramesh, aged 42 years, W/o. Ramesh, Sree Sankeerthanam, Panji Road, Chithali P.O., Kuzhalmannam, Palakkad.
4. Bijesh, aged 41 years, S/o. Late Balan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Karuvelipadi, Thoppumpady P.O., Kochi-682005.
5. Sarojam Balasubramanian, aged 74 years, W/o. Balasubramanian, Valiyaveettil, Near MES School, Ponnani.
6. Girija, aged 70 years, D/o Sreedharan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Thoppumpady Village, Thoppumpady P.O., Kochi-682005.
7. Ambika, aged 67 years, D/o. Sreedharan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Thoppumpady Village, Thoppumpady P.O., Kochi-682005.
8. Asokan Pillai, aged 65 years, S/o. Sreedharan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Thoppumpady Village, Thoppumpady P.O., Kochi-682005.
9. Premkumar, aged 61 years, S/o. Sreedharan Pillai, Pattaruparambil, Near Rameswaram Temple, Rameswaram West Muri, Thoppumpady Village, Thoppumpady P.O., Kochi-682005.

R1 to 6, 8 and 9 by Adv.M/s.Mathew Alapatt and M.K.Murary
R7 Died

This petition is filed under Section 5 of the Limitation Act r/w Order 41 Rule 3(A) of the Code of Civil Procedure, praying this court to condone the delay of 7 days in filing the above appeal.

This petition coming on for hearing on 06.08.2025 and the court on the same day, passed the following:-

ORDER

This petition is filed u/s.5 of the Limitation Act to condone the delay of seven days happened in the filing of appeal.

2. The appeal is filed against the judgment and decree in O.S. 54/2022 dated 31/08/2024 on the file of Sub Court, Kochi. The certified copy of the judgment and decree was applied on 02/09/2024 and the same was received on 05/02/2025. The appeal ought to have been filed on or before 07/03/2025.

3. The petitioner submitted that she is residing at Thrissur. Her husband was suffering from fever and cough. Hence she could not travel to Kochi to meet the counsel. So there occurred a delay of seven days in filing the appeal. There is no willful laches or omission on the part of the petitioner. Hence, the petition.

4. Notice served on the respondents. 7th respondent is no more and her legal heirs are already in the party array. The respondents appeared through Advocate Mathew Alappat. They submitted formal objection.

5. Heard both sides.

6. The contention raised by the petitioner is that the appeal ought to have been filed on or before 07/03/2025. The petitioner is residing at Thrissur. Her husband was suffering from fever and cough. Hence she could not travel to

Kochi to meet the counsel. So there occurred a delay of seven days in filing the appeal. Considering the object behind the Limitation Act that the matter is to be considered on merits than technically along with formal objection, the reason stated by the petitioner is accepted and delay is condoned.

In the result, petition is allowed.

Dictated to the confidential Asst. transcribed and typed by her, corrected and pronounced by me in open court on this the 6th day of August, 2025.

Sd/-

**Honey M. Varghese,
District Judge**

sk/
comp. By:

I.A.No.1 of 2025 in AS No.35/2025
Order dated 06.08.2025