

IN THE COURT OF THE MUNSIF, KOCHI**Present:-****Sri. Nishad Ibrahim., Principal Munsiff**Tuesday, the 25th day of November, 2025/ 04th Agrahayana, 1947.**I.A No.05/2024 in O.S No.70/2019 & I.A No.06/2024 in O.S No.70/2019****I.A No.05/2024 in O.S No.70/2019****Petitioner/1st Defendant:-**

	Philomina, aged 68 years, D/o. Joseph, Aarukandathil House, Mundamveli P.O., Kochi Taluk.
	By Adv. Rajesh V.R.

Respondents/Plaintiffs:-

1.	Flory Antony @ Paulin, aged 57 years, D/o. Late Joseph, Puthiyedath House, Aroor P.O., Aroor Village, Cherthala Taluk.
2.	Karmali, aged 65 years, D/o. Joseph, Aarukandathil House, Mundamveli P.O., Kochi Taluk.
3.	Stella @ Selin Thomas, aged 60 years, D/o. Late Joseph, Puthanveedu House, Chandanakkadu P.O., Kottayam District.
	R1 by Advs. Lovely K.S. & Rakhi Antony C.A. R2 Exparte in the suit R3 by Advs. Syamon K.K. & Anumon V.S.

I.A No.06/2024 in O.S No.70/2019**Petitioner/1st Defendant:-**

	Philomina, aged 68 years, D/o. Joseph, Aarukandathil House, Mundamveli P.O., Kochi Taluk.
	By Adv. Rajesh V.R.

Respondents/Defendants:-

1.	Flory Antony @ Paulin, aged 57 years, S/o. Late Joseph, Puthiyedath House, Aroor P.O., Aroor Village, Cherthala Taluk.
2.	Karmali, aged 65 years, D/o. Joseph, Aarukandathil House, Mundamveli P.O., Kochi Taluk.
3.	Stella @ Selin Thomas, aged 60 years, D/o. Late Joseph, Puthanveedu House, Chandanakkadu P.O., Kottayam District.
	R1 by Advs. Lovely K.S. & Rakhi Antony C.A. R2 Exparte in the suit R3 by Advs. Syamon K.K. & Anumon V.S.

These Petitions having been finally heard on 12.11.2025 and Court on 25.11.2025 and the Court on the same day, passed the following:-

C O M M O N O R D E R**in****IA No. 05/2025 & IA No. 06/2025**

IA.5/24 is filed by the 1st defendant u/s. 5 of the Limitation Act and Section 151 of CPC to condone the delay of 646 days in presenting the petition to set aside the exparte decree.

2. IA 06/2024 is filed by the 1st defendant to set aside the exparte decree in the above case.

3. The respondent/plaintiff filed counter in both the petitions.

4. Heard both sides and Ext. A1 was marked.

5. According to the petitioner, she was on rest from 16.09.2022 due to heart related diseases and she is under treatment for the same. For the said reasons, she could not appear before the court on 28.10.2022. According to her, the petition may be allowed considering her age and ailments.

6. On the other hand, the respondent/plaintiff opposed the petitions stating that it was not true that the petitioner was laid up as stated in the petition. The respondent also contended that no document was produced to substantiate her claim. The learned counsel for the respondent argued that the petitioner had not produced any piece of evidence to show that she has any right more than what was granted by this court as per the preliminary decree.

7. It may be noted that the petitioner has produced Ext. A1 which is the copy of the discharge summary issued from General Hospital, Ernakulam. As per Ext. A1, the patient was admitted on 18.08.2023 and was discharged on 22.08.2023.

8. A perusal of the proceedings in the above suit would show that the matter was listed to 02.09.2022. On 02.09.2022, the plaintiff and D1 were represented. Thereafter, plaintiff's evidence was adjourned. On 06.10.22, the matter was posted to 10.10.2022 for plaintiff's evidence. On

10.10.2022, plaintiff was present and the learned counsel for D1 sought for adjournment which was rejected by this court and PW1 was examined. It was then adjourned to 12.10.2022 for defence evidence. On 12.10.2022, there was no representation for the defendants and they were set exparte. Finally, on 28.10.2022, the preliminary decree was passed.

9. It may be noted that the claim of the petitioner was that she was under treatment for various ailments with effect from 16.09.2022. But she did not produced any document to substantiate this claim. As I have already stated, as per Ext. A1, the date of admission of the patient is 18.08.2023 and the date of discharge is 22.08.2023.

10. From the above discussion, it can only be concluded that the petitioner could not show the existence of any 'sufficient cause' for condoning the delay of 646 days in presenting the petition to set aside the exparte decree. Accordingly, these petitions are liable to be dismissed.

In the result,

1. IAs 05/2024 and 06/2024 are dismissed.
2. No order as to costs.

Pronounced by me in open Court on this the 25th day of November, 2025.

Sd/-
Nishad Ibrahim
Principal Munsiff

APPENDIX:-**Petitioner's Exhibits:-**

A1 -- Discharge Summary issued from
General Hospital, Ernakulam.

Respondent's Exhibits:-

Nil

Court's Exhibits:-

Nil

Petitioner's Witness:-

Nil

Respondent's Witness:-

Nil

Court's Witness:-

Nil

Id/-**Principal Munsiff****///True Copy///****Principal Munsiff**

bk/-
Compd.by:SA

Common Order in
**I.A No. 05/2024 &
I.A No. 06/2024 in
O.S No. 70/2019
Dated: 25.11.2025**