

IN THE COURT OF SESSIONS, THALASSERY

Present: Sri. K.T. Nisar Ahammed, Sessions Judge.

Thursday, the 26th day of March, 2026/ 05th Chaithra, 1948.

CrI.M.P.No.1/2026 in CrI.A.No. 74/2026

(MC.No. 20/2024 of Chief Judicial Magistrate Court, Thalassery)

Petitioner/Appellant:-

Biju. C, S/o. T.M. Krishnan, Aged 48 years,
Chevidente Valappil House, P.O. Muringeri, Kannur District.

Respondents/Respondents:-

1. Nisha. M.K, D/o. Sreedharan, Aged 40 years, Chalil House,
P.O. Eachur, Kannur District
2. Anvin Biju. M.K (Minor) S/o. Biju. C, Aged 8 years,
Rep. by mother Nisha. M.K, D/o. Sreedharan,
aged 40 years, Chalil House, P.O. Eachur, Kannur District.

Petition filed under Section 5 of Limitation Act to condone the delay of 104 days in filing the appeal.

This petition coming on this day for hearing before me in the presence of S/Sri.P.V.Abdul Kader and Sandeep.V, Advocates for the petitioner, Smt. Nirmala Kumari, Advocate for the respondents, and the Court passed the following:-

ORDER

Though no counter filed, counsel appeared and submitted that there is huge arrears of maintenance, petition was filed in 2024 and the appellant remained ex-parte before the trial court, he intentionally failed to appear. Hence, learned counsel submitted that petition to be dismissed. But by considering the fact that the impugned order is an ex-parte order. I am inclined to condone the delay but on condition. Accordingly, petition is allowed on deposit of 25% of the maintenance arrears as ordered by the trial court in the impugned order from the date of petition till today on or before 10-4-2026.

(Pronounced by me in open Court, this the 26st day of March, 2026).

SESSIONS JUDGE

Copy to:-

1. The Chief Judicial Magistrate, Thalassery
2. The Petitioner.