

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
KOTTAYAM**

Present: Sri. Manoj M., Principal District Judge

Thursday, 26th day of March , 2026
5th day of Chaithra, 1948

I.A. No.1/2025 in A.S. No.154/2025
(O.S. No.21/2024 of the Munsiff's Court, Ettumanoor)

Petitioner/Appellant/Plaintiff:-

Joseph M.V, aged 73, S/o Varkey,
Muttathupadathu House, Mudiyoorkara,
Perumbaikkadu Village, Gandhinagar P.O.,
Kottayam – 686 008.

By Adv. Jobin Mathew.

Counter Petitioner/Respondent/Defendant :-

Rajeev. P., aged 58, S/o Late Pushpangadan,
Bhama Sadanam, Gandhinagar P.O.,
Arpookkara Village, Mudiyoorkara Kara,
Kottayam Taluk, Kottayam District.

By Adv. K. Vinod Kumar, Adv. Joseph T. Varghese,
Adv. Sravan Satheesh

Petition filed under Section V of the Limitation Act.

This petition is filed to condone the delay of 52 days in
fling this appeal.

This Petition coming up on for hearing on 26.03.2026 and
the Court on same day passed the following:

ORDER

This is an application filed by the appellant under Sec.5 of the Limitation Act for condoning the delay of 52 days in filing the Appeal Suit against the Judgment and Decree dated 25.08.2025 passed in O.S. No.21/2024 on the file of the Munsiff's Court, Ettumanoor.

2. According to the petitioner/appellant, O.S. No.21/2024, suit for recovery of money, was decreed against him by judgment and decree dated 25.08.2025. The petitioner filed a copy application on 18.09.2025 and received the certified copies on 27.09.2025. The petitioner could not file the appeal within the prescribed time as he was suffering from Parkinson's disease with cognitive decline and bladder-related symptoms, coupled with the absence of any caretaker other than his wife and severe financial constraints in raising the requisite court fee on account of ongoing medical treatment. The appeal, which ought to have been filed on or before 05.11.2025, has thus been filed with a delay of 52 days solely due to the aforesaid bona fide reasons and not due to any willful negligence or laches. The petitioner has substantial grounds to succeed in the appeal, and hence the delay may be condoned in the interest of justice.

3. Notice was served to the respondent and he entered appearance through Advocate K. Vinodkumar. It was submitted that the respondent has only formal objection in condoning the delay.

4. Heard both sides.

5. The only point which arises for consideration is;

Whether there is sufficient ground to condone the delay of 52 days in filing the appeal?

6. **The Point** :- According to the petitioner, the delay occurred as he was suffering from Parkinson's disease with cognitive decline and bladder-related symptoms, coupled with the absence of any caretaker other than his wife and severe financial constraints in raising the requisite court fee on account of ongoing medical treatment. It is settled law that the expression 'sufficient cause' is to be liberally interpreted, when the delay is only for a short period. The facts reveal that there was no gross negligence on the part of the petitioner. The respondent has no serious objection to condone the delay. Moreover, it is found that the substantial right of the petitioner to agitate the appeal on merits need not be denied on narrow

technicalities. Therefore, I am of the view that this delay condonation petition can be allowed and 52 days delay can be condoned. The point is found in favour of the petitioner.

In the result, the petition stands allowed and the delay of 52 days in preferring the appeal stands condoned.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 26th day of March, 2026.

**Sd/-
Manoj M.
District Judge**

APPENDIX : NIL

**Id/-
District Judge.**

// True Copy //

Copied by :

Compared by :

**Sd/-
Manoj M.
District Judge**