

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

Present: Sri. Manoj M., Principal District Judge

Wednesday, the 19th day of November, 2025
28th day of Karthika, 1947

I.A. No.1/2025 in A.S. No.20/2025

(O.S. No.50/2021 of the Munsiff's Court, Ettumanoor)

Petitioners:-

- 1 Mery Scariah, Perulackamattathil House,
Kurumulloor P.O., Kurumulloor Kara,
Meenachil Taluk, Pin 686632.
- 2 Selvimol Scariah, aged 29 years,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Meenachil Taluk, Pin 686632.

By Adv. K.R. Surendran

Respondents/Counter Petitioners:-

- 1 Molly @ Mary, aged 50 years, W/o. Protasis,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kurumulloor Village,
Meenachil Taluk, Pin 686632.
- 2 Thresiamma P.J., @ Elsamma, aged 62 years,
W/o. Velloorparambil George, Kurumulloor P.O.,
Kottayam, Pin 686632.
- 3 Rosamma Paul, aged 62 years, W/o. Paul, Rose House,
Chettaniyil, Thirumaradi P.O., Piravam Taluk,
Ernakulam District, Pin 686662.
- 4 Mary, aged 70 years, W/o. Thomman, Paranayil House,
Mullamkolli P.O., Pulppally, Wayanadu, Pin 673579.
- 5 Binu, aged 48 years, S/o. Late Pappu,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kanakkari Village, Pin 686632.

- 6 Bino, aged 48 years, S/o. Late Pappu,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kanakkari Village, Pin 686632.
- 7 Bigosh, aged 46 years, S/o. S/o. Late Pappu,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kanakkari Village, Pin 686632.
- 8 Biji, aged 55 years, S/o. Late Pappu,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kanakkari Village, Pin 686632.
- 9 Bindhu, aged 53 years, D/o. Late Pappu,
Perulackamattathil House, Kurumulloor P.O.,
Kurumulloor Kara, Kanakkari Village, Pin 686632.
- 10 Molly Francis, aged 54 years, D/o. Late Eliyamma Joseph,
Komaparappallil House, South Thamarakulam Kara,
Fort Kochi P.O., Ernakulam District, Pin 682001.
- 11 Marykutty Joseph, aged 50 years,
D/o. Late Eliyamma Joseph, Kulathil House,
Kaippuzha Kara, Kaippuzha P.O., Kottayam District,
Pin 686602.
- 12 Rosili Binoy, aged 48 years. D/o. Late Eliyamma Joseph,
Pazhoor House, Cheruvandoor Kara, Ettumanoor P.O.,
Ettumanoor Village, Pin 686602.
- 13 Sophiyamma Joseph, aged 45 years,
D/o. Late Eliyamma Joseph, Kulangara House,
Padinjattum Bhagom Kara, Athirampuzha P.O.,
Kottayam Taluk.

14 Snehamol Scariah, aged 33 years,
from Perulackamattam House, Kurumulloor P.O.
Pin 686602. Now residing at Vazhapathra House,
Kumarakam P.O., Kumarakam Village, Kottayam,
Pin 686563.

R1 by Adv. K. Vinod Kumar &
Adv. Deepthi G. Nair
R2 to 14 No Vakalath seen filed.

Petition filed under Section 151 of Code of Civil Procedure
and V of the Limitation Act.

This petition is filed to condone the delay of 36 days in filing
this appeal.

This Petition coming up on for hearing on 19.11.2025 and
the Court on the same day passed the following:

ORDER

This is an application filed by the appellants under Section
5 of the Limitation Act to condone the delay of 36 days in filing
the appeal against the judgment and decree dated 16.12.2024 in
O.S. No.50/2021 on the file of the Munsiff's Court, Ettumanoor.

2. According to the appellants, the certified copy of the
judgment was received on 06.02.2025. As the first appellant is
aged 70 years and suffers from ear balance issues and other
health ailments, she was unable to take any steps independently.

The second appellant was away at another place in connection with her work. Due to these unavoidable and pressing circumstances, the delay in filing the appeal occurred. There was no willful laches or negligence on the part of the petitioner and hence the delay of 36 days in filing the appeal may be condoned.

3. On receipt of notice, the first respondent entered appearance and filed a counter affidavit contending that the petition is not maintainable either in law or on facts. The reasons stated for the delay do not amount to sufficient cause, as required. Each day of delay is required to be satisfactorily explained, and the merits of the case are not to be taken into account while considering an application for condonation of delay. No valid medical documents have been produced to substantiate the claim of the first appellant, nor has any material been placed on record to show that the second appellant was out of station in connection with her employment. It is contended that no sufficient cause has been made out to condone the delay and therefore, the application is liable to be dismissed.

4. Heard both sides.

5. The only point which arises for consideration is :

Whether there is sufficient ground to condone the delay of 36 days in filing the appeal?

6. The Point :- The reasons projected by the appellants for the delay of 36 days in filing the appeal are that the first appellant was laid up due to age-related ailments and the second appellant was out of station in connection with her employment. It is settled law that sufficient cause appearing in Sec.5 of Limitation Act has to be liberally interpreted and procedure is the handmaid of justice. The averments in the affidavit in support of the petition states the reason for the delay and it appears to be a sufficient cause. Moreover, the substantial right of the petitioners need not be defeated on narrow technicalities. Hence, I am of the view that there was no willful laches or negligence on the part of the petitioners in not filing the appeal within the prescribed time and the delay of 36 days can be condoned. The inconvenience caused to the first respondent can be compensated by imposing costs. Therefore, this court is inclined to condone the delay on payment of costs.

7. In the result, the petition is allowed and the delay of 36 days in preferring the appeal stands condoned, subject to following conditions :-

Copy of ORDER in
I.A. No.1/2025 in
A.S. No.20/2025

Dated : 19.11.2025

1. The petitioners shall pay cost of Rs.1,000/- (Rupees One Thousand only) to the first respondent, who contests the petition, within ten days and produce the receipt memo before the court.
2. If the cost as directed above is not paid within the stipulated time, the application will stand dismissed.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 19th day of November, 2025.

Sd/-
Manoj M.
District Judge

APPENDIX : NIL

Id/-
District Judge.

// True Copy //

Copied by :

Compared by :

Sd/-
Manoj M.
District Judge