

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

Present: Sri. N. Harikumar, District Judge

Wednesday, the 13th day of December, 2023
22nd day of Agrahayana, 1945

I.A No. 1/2023 in A.S. No. 128/2023
(O.S. No.663/2018 of the Additional Munsiff's Court, Kottayam)

Petitioner /Appellant

E-mart, Ezhamalil Building, Perumbaikadu P.O.,
Kottayam District, Pin - 686 016, represented by
Santhosh Chacko, Partner, Ezhamalil,
Perumbaikadu, Kottayam District.

By Advs. Jaison Paliyil & Athira M.K.

Counter Petitioners / Respondents :-

1. Ratheesh P.K., aged about 40 years,
Kurisinkal House, S.H. Mount P.O.,
Perumbaikadu Village, Kottayam,
Pin - 686 006.
2. Bajaj Finance Ltd. (BFL), registered office at
Pune Road, Akurdi, Pune, Mumbai - 411 035
having branch office at Opp. Kalyan Silks,
Kottayam Village, Kottayam - 686 001,
represented by Manager.

- Both Called Absent -

This petition is filed to condon the delay of 71 days in
preferring the Appeal Memorandum.

This petition coming on up for final hearing on 06.12.2023
and the Court on 13.12.2023 passed the following:-

ORDER

The above numbered petition is filed under Section 5 of the Limitation Act for condoning the delay of 71 days in filing the Appeal Suit.

2. Petitioner is the appellant in the above numbered Appeal Suit, which is one preferred against the judgment in O.S.No.663/2018 of the Additional Munsiff's Court, Kottayam.

3. Petition averments in brief are as follows:- The petitioner is the plaintiff in the above numbered Original Suit, which was dismissed on 03.06.2023. The certified copy of the judgment was received by the counsel for the petitioner on 10.07.2023. Since his counsel could not concentrate on his professional work due to various health problems, there occurred the above numbered delay in filing the appeal.

4. Though notices of the petition were served on the respondents, they did not turn up and raise any objection.

5. Heard.

6. Having considered the reason stated for the delay and the number of days delayed for preferring appeal and also taking into account of the fact that, no objection has been raised by the respondents, I am inclined to allow this petition.

In the result, the petition stands allowed and the delay of 71 days in preferring appeal stands condoned, on condition that, the petitioner shall pay cost of Rs.2,000/- (Rupees Two Thousand only) to the District Legal Services Authority within three days.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 13th day of December, 2023.

Sd/-
N. Harikumar,
District Judge.

APPENDIX : Nil

Id/-
District Judge.

// True Copy //

Copied by :
Compared by:

Sd/-
N. Harikumar,
District Judge.