

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

Present: **Sri. N. Harikumar**, District Judge

Monday, 29th day of January, 2024
9th Magha, 1945

I.A.1/2023 in CMA 16/2023

Petitioner / Appellant :-

Lukson Francis Augustine,
Aged 43, S/o Late K.F. Augustine,
Permanently residing at 25, Charleston Close,
Sale Cheshire Greater, Manchester, M.33,
4U.S. United Kingdom, Now residing at
Kallumadickal House, Thuruthy P.O.,
Kurichy Village, Changanacherry,
Kottayam, PIN : 686 535.

By Adv. P.J Jerome.

Respondent / Respondent :-

Fr. George Joseph,
Aged 60 years, Cheeramkuzhi House,
Edamaruku P.O., Erattupetta, PIN: 686 586,
Now residing at Wilbraham Road,
M14 7DW, United Kingdom.

By Adv. Saji S. Nair.

This petition is filed to condone the delay of 16 days in filing the appeal.

This petition is coming up on for final hearing on 25.01.2024 and the court on 29.01.2024 passed the following.

ORDER

The above numbered petition is under Sec.5 of the Limitation Act for condoning the delay of 16 days in filing the above numbered Civil Miscellaneous Appeal.

2. Petitioner is the appellant in the above numbered Appeal, which is one preferred against the Orders in I.A. No.2/2022 and I.A. No.3/2022 in O.S. No.64/2014 in the file of the Additional Sub Court, Kottayam dated 25.01.2023.

3. The appeal ought to have been filed on or before 09.03.2023. According to the petitioner, as there was some delay in collecting the copy of the order, he could make arrangements in preferring the appeal within time.

4. On being served with notice of the petition, the respondent entered appearance and filed objection contending that, no sufficient reason is stated for condoning the delay and hence, the petition is only to be dismissed.

5. Heard both sides.

6. Having considered the reason stated for the delay and the number of days delayed for preferring the appeal and also

taking into account of the fact that, no serious objection has been raised by the respondent, I am inclined to allow this petition.

In the result, the petition stands allowed and the delay of sixteen days in preferring the appeal stands condoned. There is no direction as to costs.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 29th day of January, 2024.

Sd/-
N. Harikumar
District Judge

APPENDIX : Nil

Id/-
District Judge

Copied by :

Compared by :