

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

Present: Sri. N. Harikumar, District Judge

Monday, the 29<sup>th</sup> day of January, 2024  
9<sup>th</sup> day of Magha, 1945

**I.A. No. 2/2023 in C.M.A. No. 36/2023**

(I.A.No.2/2022 in O.S.No.64/2014 of the Additional Sub Court,  
Kottayam)

**Appellant/Petitioner:-**

Lukson Francis Augustine, aged 43 years,  
S/o late K.P. Augustine, permanently  
residing at Charlestron Close Sale  
Cheshire Greater, Manchester,  
M 33, 4 U.S., United Kingdom,  
Now residing at Kallumadickal House,  
Thuruthi P.O., Kurichy Village,  
Changanacherry, Kottayam, Pin - 686 535.

By Adv. P.J. Jerome

**Respondent/Plaintiff :-**

Fr. George Joseph, aged 60 years,  
Cheeramkuzhi House, Idamaruku P.O.,  
Erattupetta. Now residing at Willbraham Road,  
M14, 7DW, United Kingdom.

By Adv. Saji S. Nair

This petition is filed to condone the delay of 85 days in  
fling the appeal.

This Petition 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 85 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 Order in I.A. No.2/2022 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 a change in vakalath, the case file and other documents could not be properly entrusted with the newly engaged counsel and hence, there occurred the said delay.

**4.** Though the notice was served on the respondent, there was no representation.

**5.** Heard the petitioner.

**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 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 85 days in preferring the 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 29<sup>th</sup> day of January, 2024.*

Sd/-  
**N. Harikumar,**  
**District Judge.**

**APPENDIX : Nil**

Id/-  
**District Judge.**

// True Copy //

Copied by :

Compared by :

Sd/-  
**N. Harikumar,**  
**District Judge.**