

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

Present: Sri. N. Harikumar, District Judge

Thursday, the 30th day of March, 2023
9th day of Chaitra, 1945

I.A. No. 1/2022 in Appeal Suit No. 88/2022
(O.S. No. 469/2018 of the Addl. Munsiff's Court, Kottayam)

Petitioner/Appellant:-

C.T. Santhosh, aged 35 years,
S/o K.K. Thankachan, Tharayath Peroor
Kizhakkethil Veedu, Meenadom P.O.,
Meenadom Village, Meenadom Kara,
Kottayam Taluk, Kottayam District.

By Advs. Sri. Philson Mathews & Namita Philson

Counter Petitioners/Respondents:-

1. Grant Coffee Works, Thoppil 1718/2016,
Building No. 25713, Thoppil,
Meenadom, with Rea Works,
Meenadom, Kottayam District
A partnership firm represented by
Managing Partner Aju Antony,
Thoppil Veedu, Meenadom Kara,
Meenadom Village, Kottayam District.
2. Aju Antony, aged 25 years,
D/o Antony, Thoppil Veedu,
Mundiackal Bhagom, Meenadom P.O.,
Meenadom Kara, Meenadom Village,
Kottayam District.

By Adv. Sri. P.V. Joseph

This petition is filed to condone the delay of 107 days in
filing the appeal.

This Petition coming up on for hearing on 21.03.2023 and the Court on 30.03.2023 passed the following:-

ORDER

The above numbered petition is filed under Section 5 of the Limitation Act for condoning the delay of 107 days in filing the Appeal.

2. Petitioner is the appellant in the above numbered Appeal Suit, which is preferred against the judgment and decree in O.S.No.469/2018 in the file of the Additional Munsiff's Court, Kottayam, dated 28.02.2022.

3. The appeal ought to have been filed on or before 17.06.2022. According to the petitioner, as he had received the certified copy of the corrected decree from the lower court only on 24.08.2022, and thereafter, as he was suffering from viral fever, he could not contact his counsel in time and accordingly, there occurred delay in preferring the appeal.

4. On receipt of notice, the respondents entered appearance and filed objection contending that, the reason stated for the delay is not sufficient, as the petitioner produced no documents to prove that, he was under treatment. Also that, production of the lower court decree

before the appellate court is not necessary for filing the appeal and hence, this petition may be dismissed.

5. Heard both sides.

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 serious 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 107 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 30th day of March, 2023.

Sd/-
N. Harikumar,
District Judge.

APPENDIX : Nil

Id/-
District Judge.

Copied by : // True Copy //

Compared by : Sd/-
N. Harikumar,
District Judge.

**Copy of Order in
I.A. No.1/2022 in
A.S.No.88/2022
Dated : 30.03.2023**