

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

Present: Sri. N. Harikumar, District Judge

Wednesday, the 7th day of June, 2023
17th day of Jyaishta, 1945

I.A. No. 1/2022 in Appeal Suit No. 94/2022
(O.S. No. 86/2019 of the Prl. Sub Court, Kottayam)

Petitioner/Appellant:-

Jameela Beevi, W/o Muhammed Sherif,
residing at Puthuparambil House,
Perunna Kizhakkum Muriyil,
Changanacherry Village, Perunna P.O.,
Kottayam District, Pin 686 102.

By Advs. Sri. Sajan A. Varghese & Sri. Belssen G. Mathews

Counter Petitioner/Respondent:-

Abdul Salam, S/o Sayyedu Muhammad Rawther,
residing at Puthuparambil House,
Perunna Kizhakkum Muriyil,
Changanacherry Village, Perunna P.O.,
Kottayam District, Pin 686 102.

By Adv. Sri. Varughese C.C.

This petition is filed to condone the delay of 252 days in filing the appeal.

This Petition coming up on for hearing on 26.05.2023 and the Court on 07.06.2023 passed the following:-

ORDER

The above numbered petition is filed under Section 5 of the Limitation Act for condoning the delay of 252 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.86/2019 in the file of the Principal Sub Court, Kottayam, dated 30.10.2021.

3. In the affidavit supporting the petition, it is stated by the petitioner that, due to a wrong advice, she had filed appeal before the Hon'ble High Court in Kerala and that, only when the registry had raised objection, she came to know the mistake and thereafter only could take steps to prefer appeal before this Court. Because of the above reason, the said amount of delay occurred in preferring the appeal.

4. On being served with notice, the respondent appeared and filed objection contending that, it is only to prolong the execution petition filed by him, which is at the stage of sale of the property, that, this appeal is filed and that, the reason stated for the delay is not sufficient and the petition is only to be dismissed.

5. Heard both sides.

6. Having considered the reason stated for the delay for preferring appeal and holding the view that, the right of the petitioner to prefer appeal shall not be denied on account of the above, I am inclined to allow this petition.

In the result, the petition stands allowed and the delay of 252 days in preferring appeal stands condoned, on condition that, the petitioner shall pay cost of Rs.3,000/- (Rupees Three 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 7th day of June, 2023.

Sd/-
N. Harikumar,
District Judge.

APPENDIX : Nil

Id/-
District Judge.

// True Copy //

Copied by :

Compared by :

Sd/-
N. Harikumar,
District Judge.

**Copy of Order in
I.A. No.1/2022 in
A.S. No.94/2022
Dated : 07.06.2023**