

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

Present: Sri. N. Harikumar, District Judge

Saturday, the 7<sup>th</sup> day of January, 2023  
17<sup>th</sup> day of Pousha, 1944

**I.A. No. 1/2022 in Appeal Suit No. 109/2022**  
(O.S. No. 40/2016 of the Munsiff's Court, Ettumanoor)

**Petitioner/Appellant:-**

1. State of Kerala, represented by  
The District Collector, Collectorate,  
Kottayam.
2. Deputy Director of Survey and Land Records,  
Taluk Office, Kottayam.
3. Superintendent of Re-Survey,  
Vaikom.
4. Village Officer, Perumbaikkad Village,  
Kottayam.

By Adv. Sri. Sunny George Chathukulam  
(District Govt. Pleader)

**Counter Petitioners/Respondents:-**

1. Bindhu Bose, aged about 46 years,  
W/o Chandra Bose, Mullackal House,  
Veliyambra Kara, Thanneermukkam Village,  
Cherthala, Alappuzha District,  
represented by her Power of Attorney Holder,  
Kuruvilla Chacko, aged 74 years, S/o Kuruvilla,  
residing at Thottathil House, Gandhinagar P.O.,  
Perumbaikkad Village, Kottayam Taluk.

2. Saramma Chacko, aged 66 years,  
W/o Kuruvilla Chacko, Thottathil House,  
Gandhinagar P.O., Perumbaikkad Village,  
Kottayam Taluk.
3. Kottayam Municipality, represented by  
Municipal Secretary, Kottayam.

R1 and R2 by Advs. Sri. Anil Nambudiri & Suresh Kumar K.  
R3 by Adv. Sri. Kuruvilla Jacob & Abraham P. Koshy

This petition is filed to condone the delay of 145 days in  
filing the appeal.

This Petition coming up on for final hearing on  
22.12.2022 and the Court on 07.01.2023 passed the  
following:-

### **ORDER**

The above numbered petition is filed by under Section 5  
of the Limitation Act for condoning the delay of 145 days in  
filing the Appeal.

**2.** The above numbered Appeal Suit is one preferred  
against the Judgment and Decree in O.S.No.40/2016, dated  
09.11.2021 of the Munsiff's Court, Ettumanoor. The  
petitioners are the defendants in the O.S.

**3.** The learned Government Pleader, who represents the  
petitioners, filed affidavit stating that, due to hectic works, he  
could not prefer the appeal in time and hence, there occurred  
a delay of 145 days in preferring the appeal.

4. On being served with the notice of the petition, the respondents appeared through their counsel and submitted a written objection stating that, the reason stated for the delay is not sufficient 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 respondents, I am inclined to allow this petition.

In the result, the petition stands allowed and the delay of 145 days in preferring the appeal stands condoned. There is no order as to costs.

*Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 7<sup>th</sup> day of January, 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. 109/2022  
Dated : 07.01.2023**