

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

Present : Smt. Mini S.Das, Sessions Judge

Tuesday, the 21st day of May, 2024
31st Day of Vaisakha, 1946

I.A No. 1/2023 in Appeal Suit No. 160/2023

Appellants :

1. Sreekandan Nair, Aged 77 years,
S/o Parameswaran Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.
2. Unnikrishnan Nair, Aged 70 years,
S/o Parameswaran Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.
3. Sivaraman Nair, Aged 68 years,
S/o Parameswaran Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.
4. Kishor Kumar, Aged 40 years,
S/o Balakrishnan Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.
5. Krishnakumar, Aged 38 years,
S/o Balakrishnan Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.

6. Vijayalakshmi, Aged 60 years,
W/o Balakrishnan Nair, Residing at
Lakshimi Vihar Hosue, Champakkara P.O,
Champakkara Muri, Karukachal Village,
Changanacherry Taluk, PIN 686 540.

By Adv. S. Anil

Respondent :

T.M Naseer, Aged 51 years,
S/o Muhammad Kunju Rawthar,
residing at Thazhathedathu House,
Kangazha P.O, Kangazha Muri, Kangazha Village,
Changancherry Taluk, Pin 686 541.

By Adv. Sri. Sajeesh Shajahan and Adv. Nithin M.K

This petition is filed to condone the delay of 32 days in
filing the Appeal.

This petition is coming up on for consideration on
09.04.2024 and the Court on 21.05.2024 passed the following

:-

ORDER

The above numbered petition is filed under Section 5 of
the Limitation Act for condoning the delay of 32 days in filing
the Appeal.

2. Petitioners are the appellants. The appeal is against the judgment in O.S. No.172/2021 in the file of the Munsiff's Court, Kottayam dated 18.10.2023.

3. According to the petitioners, as their counsel went abroad, they directly filed copy application for decree and judgment, but it was defective as there was no endorsement regarding identification. Thereafter curing the defects, they received the copy only on 30.11.2023 and hence, steps could not be taken to prefer the appeal within the period of limitation and thus there occurred a delay of 32 days.

4. On being served with notice of the petition, the respondent entered appearance and filed objection contending that, if the copy application is rejected due to the issue of identification of parties, it can be easily cured by producing documents and therefore, the reasons stated for the delay are not sufficient and hence, the petition is only to be dismissed.

5. Having considered the reasons 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 32 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 21st May, 2024.

**Sd/-
Mini S.Das
District Judge**

APPENDIX : Nil

**Id/-
District Judge.**

// True Copy //

Copied by :

Compared by :

**Sd/-
Mini S.Das
District Judge**