

**In the Court of the District Judge of Palakkad.
Present: Sri. K.E.Salih, District Judge**

**Tuesday, the 24th day of February, 2026/
5th day of Phalguna, 1947 S.E.**

**Interlocutory Application No.02/2025
in Civil Miscellaneous Appeal No.92/2025**

Petitioners/Appellants/ 1st Defendant/ Plaintiffs :-

Rev. Father Olakkengil John Maria Viyani, aged 64 years,
S/o. Joseph .O.P, Olakkengil House, Vicari of St. Peters Catholic
Church, Jellippara P.O, Attappadi, Mannarkad Taluk,
Palakkad District.

By Advocates : Sri. M. C. Kuriachan, & Sri. R. Ajay Krishnan

Vs:-

Respondents/Respondents/Plaintiffs/ 2nd Defendant:

- 1 E. T. Rosalind, aged 78 years, W/o. Late. Thomas John,
Residing at Rosland, A.R Nair Colony, Kunnathurmedu,
Palakkad Taluk, Palakkads District
- 2 E. A. Sebastian, aged 56 years, S/o. Late. E. T. Antony,
Residing at Emmatty Bhavanam, Pirayiri Post, Palakkad
Taluk, Palakkad District
- 3 E. A. Jaseentha, aged 60 years, S/o. Selvaraj,
Near St. Thomas Chapel, Ayyarkalam Street,
Kozhipara (P.O), Chittur Taluk, Palakkads District
- 4 Justin. K. Kurian, aged 42 years, S/o. Kurian, Residing at
Kolkunnil House, Jeevan Nagar, Nerukkakadu, Kalleppully,
Chandranagr P.O, Palakkad Taluk, Palakkad District

**By Advocates : Sri. John John for R1 to R3
Sri. V. V. Girish for R4**

This interlocutory application having been heard on
20.02.2025 and this court on 24.02.2026 passed the following:-

ORDER

This is a petition filed by the petitioner under Section 5 of the Limitation Act.

2. Heard both sides and perused the records.

3. The petitioner is the appellant in C.M.A.No.92/2025 on the file of this court. There is a delay of 20 days in filing the appeal. According to the petitioner, the delay was due to his physical illness and the distance between his residence and the lawyer's office. Hence, there is a delay of 20 days in filing the appeal and that is not intentional.

4. The respondents resist the application contending that there is no sufficient reason to condone the delay.

5. Admittedly, there is a delay of 20 days in filing appeal. Though the petitioner has stated that he was laid up and was not in a position to travel and to contact his Lawyer, he has not produced any medical records of his illness. So, I find, no bonafides in this petition. But, still I am of the view that one opportunity should be given to the petitioner to advance his

argument before the appellate court on conditions.

Accordingly, it is ordered that the delay of 20 days in filing the appeal will be condoned if the petitioner pays a sum of ₹2,500/- (Rupees two thousand five hundred only) to the respondents as costs within seven days. If the above condition is not complied with, this petition shall stand dismissed. Call this petition after 7 days ie on 03.03.2026.

Pronounced by me in open court, on this the 24th day of February, 2026.

Sd/-
K.E.Salih
District Judge

Typed by : Sobhana. M

Compared by: Babu. A

**Fair/Copy of Order
in I.A.02/2025
in C.M.A.No.92/2025
Dated: 24.02.2026**