

IN THE COURT OF THE SUB JUDGE, NEDUMANGAD**Present : Smt. Rajasree. C.R, Civil Judge (Senior Division)****On Monday 16th February 2026/ 27th Magham 1947****I.A 1/2021 in AS 30/2021**

Petitioner/ Appellant Mafeeda Beevi, D/o. Abdul Hameed, residing at
J.M. Manzil, Meenara, Ampalloor Muri,
Koliyacode Village.

(By Adv. Sri.P.Sreekumar)

**Counter Petitioner/
Respondent** Sujina, aged 40 years, D/o. Arifa Beevi, Fazeena
Manzil, Mazhuvadi Muri, Thekkada Village,
Nedumangad Taluk.

(Exparte)

This petition having been finally heard on 16/02/2026 and the court on the same day passed the following:-

ORDER

This application is filed under Section 5 of the Limitation Act, 1963 to condone the delay of 148 days in preferring the appeal.

2. Petition averments, in brief, are stated as follows: The petitioner is the appellant in the case and the plaintiff in OS. 78/2015 of the Court of Additional Munsiff, Nedumangad. The suit was dismissed on 21.01.2021. This appeal is preferred against the judgment and decree in OS No. 78/2015. The judgment was pronounced on 21.01.2021 and the petitioner has applied for the copy of the

judgment on 23.01.2021. On 19.03.2021 the copy was ready and the counsel for the appellant has received the copy only on 07.07.2021. The lawyer had informed the petitioner about the receipt of the copy of the judgment on 26.07.2021. The petitioner had contacted the counsel on 27.07.2021 and advised to prefer appeal against the judgment of the trial Court on 27.07.2021. As there was triple lockdown imposed from 28.07.2021, the petitioner could not prefer the appeal in time and there arose a delay of 148 days in preferring the appeal. There is no willful latches or omission on the part of the petitioner. Thus this application is filed to condone the delay.

3. Though notice was duly served on the respondent, the respondent failed to appear and she was called absent and set ex parte.

4. No enquiry was taken in this case.

5. Heard the learned counsel for the petitioner.

6. This application is filed by the petitioner to condone the delay of 148 days in preferring the appeal. The affidavit filed by the petitioner would disclose that the delay occurred as there was triple lockdown in the locality and moreover the lawyer for the petitioner had received copy of the judgment only on 07.07.2021, though the copy was ready on 19.03.2021. It is pertinent to note that in this case the delay sought to be condoned falls within the period that falls within 15.03.2020 till 28.02.2022, which is the period that was excluded by the Hon'ble Apex Court from computing as the period of limitation. At this juncture, let me

consider the decision reported in the case of In Re Cognizance for Extension of Limitation case, where the Hon'ble Apex Court has excluded the period from 15.03.2020 till 28.02.2022 from computing as the period of limitation due to the surge of COVID-19 pandemic in the society. As the period sought to be condoned in this case falls within the period that has already been excluded by the Hon'ble Apex Court, I am of the considered view that there is no necessity to condone the delay Invoking section 5 of the Limitation Act, 1963.

In the result, this application is disposed of on the ground that the period sought to be condoned has already been excluded by the Hon'ble Apex Court in the case of In Re Cognizance for Extension of Limitation case from computing as the period of limitation and the appeal is taken on the files of this court.

(Prepared through Adalath AI, corrected and pronounced by me in open court on this the 16th day of February, 2026.)

RAJASREE.C.R,
Civil Judge (Senior Division).

Appendix: NIL

Civil Judge, Senior Division

Typed by :BR

Compd by :RPN