

IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
MONDAY 30th SEPTEMBER, 2024 / 8th ASWINA, 1946

IA No.1534/2022 IN OS No. 374/2015

Petitioner/ Plaintiff:

Madhavan Nair, S/o Kunjukrishna Pillai, aged 76 years, Ayilyam,
Thazhe Elamba, Elamba Village.

By Advocate: Smt.Lali Sunil

Counter Petitioner/ Defendant:

Vidyarani, D/o Vijayakumar, Divya Bhavan, VRA-28, Vattavila, Kaduvayil,
M.C. Road, Attingal.

By Advocate: Sri. Vakkom.R.Jayaprakash

This petition filed by Adv.Lali Sunil condone the delay to implead the legal heirs of the 2nd defendant having been finally heard on 30.09.2024 and the court on same day passed the following:

ORDER

Both sides represented. Heard both sides. The respondent filed objection. This petition is filed to condone the delay of 3 years and 7 months and 3 days in filing the petition to set aside abatement. The petitioner contended that the date of knowledge of death was the primary reason for delay and the petitioner got knowledge about the delay only when the defendant filed memo to the effect. The petitioner further contended that that he has sufficient reasons for the delay and the Covid-19 restrictions and his advanced age were the primary factors that caused the delay. In Collector Land Acquisition Anantnag. V.Mst.Katiji AIR 1987 SC1353, the Hon'ble Apex Court has clarified that the "sufficient cause" in Section 5 of Limitation Act is the cause for which the party could not be blamed for his absence or that the party should not have acted on a negligent manner or there was a want of bonafide on its part or that the party has not acted diligently or that the party has remained inactive.

In the instant case, there was no malafide act nor the party remained inactive. Hence this court is of the view that the petitioner has shown sufficient cause for the delay. Hence in result, the petition is allowed.

Pronounced by me in Open Court on this the 30th day of September, 2024.

Sd/-
SWATHI.R.KRISHNAN
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

//True Copy//

Typed by: Sheena.K
Compared by: Lasitha

MUNSIFF