

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

R.F.A.No. 519 of 2015 (B)

AGAINST THE JUDGMENT IN OS 24/2000 of SUB COURT, PATHANAMTHITTA DATED 28-08-2009

APPELLANTS/DEFENDANTS:

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1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
(IRRIGATION) GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.
 2. THE SUPERINTENDING ENGINEER
KIP (MCS) CIRCLE, ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. GOVERNMENT PLEADER SRI.M.A.FAYAZ

RESPONDENT/PLAINTIFF:

N. VIJAYAKUMARI
D/O.RAJAMMA, PWD CONTRACTOR, FLORANCE DIVISION ESTATE
KALTHURUTHY, RESIDING AT NARAYANA VILASOM
CHOORAKODU P.O., ADOOR
PATHANAMTHITTA DISTRICT-691 523.

R1 BY ADV. SRI.P.VIJAYAKUMAR
R1 BY ADV. SRI.C.R.REGHUNATHAN
R1 BY ADV. SRI.B.HARRYLAL

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 26-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

**C.M.Appln.365 of 2015 &
R.F.ANo.519 of 2015**

Dated this the 26th day of November, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the defendants in O.S.No.24/2000 on the file of the Sub Court, Pathanamthitta challenging the judgment and decree passed on 28.8.2009. The delay that is sought to be condoned is that of 2136 days. Affidavit filed in support of the petition shows that though judgment was pronounced on 28.8.2009, application for certified copy was submitted only on 19.8.2011. There is no reason whatsoever stated to explain such a long delay. The date on which the certified copy was received is not mentioned in the affidavit. In any case, the appeal was filed only in June 2015. According to us, there is no explanation whatsoever for the long and inordinate delay of 2136 days and this application therefore is only to be dismissed and we do so. Consequently, the appeal also dismissed.

SD/-
**ANTONY DOMINIC
JUDGE**

SD/-
**P.V.ASHA
JUDGE**

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