

O.S.No.50/2021
dated; 15-07-2026

ORDER ON I.A. Nos. 3 & 4

The plaintiff has filed I.A. No.3 under Order XXII Rule 4 read with Section 151 of the Code of Civil Procedure seeking to bring the legal representatives of deceased defendant No.1, namely defendant Nos.1(a), 1(b), 1(c), 1(d) and 1(e), on record. The plaintiff has also filed I.A. No.4 under Section 5 of the Limitation Act seeking condonation of delay of 195 days in filing the application for bringing the said legal representatives on record.

2. The plaintiff has contended that defendant No.1 died during the pendency of the suit. Owing to bona fide reasons and unavoidable circumstances, the applications could not be filed within the prescribed period. The delay is neither wilful nor intentional. It is further contended that unless the legal representatives

are brought on record, the suit cannot be effectively adjudicated.

3. Heard the learned counsel for the plaintiff. Perused the applications, affidavits and the records.

4. The suit is one for perpetual injunction. The plaintiff has satisfactorily explained the delay of 195 days. The explanation appears to be bona fide and constitutes sufficient cause within the meaning of Section 5 of the Limitation Act. No prejudice would be caused to the proposed legal representatives by condoning the delay, whereas refusal to condone the delay would result in abatement of the proceedings against the deceased defendant and would defeat the ends of justice. The presence of defendant Nos.1(a), 1(b), 1(c), 1(d) and 1(e), being the legal representatives of deceased defendant No.1, is necessary for effective adjudication of the dispute. Accordingly, this Court is of the opinion that both the applications deserve to be allowed.

ORDER

I.A. No.4 filed under Section 5 of the Limitation Act is hereby allowed. The delay of 195 days in filing the application to bring the legal representatives of deceased defendant No.1 on record is condoned.

Consequently, I.A. No.3 filed under Order XXII Rule 4 read with Section 151 of the Code of Civil Procedure is allowed.

The proposed legal representatives of deceased defendant No.1, namely defendant Nos.1(a), 1(b), 1(c), 1(d) and 1(e), are brought on record as the legal representatives of deceased defendant No.1.

For amendment and amendment plaint, call on 30-07-2026.

CJ and J.M.F.C. Jewargi.