

R.C.A.No.77/2022
Digambar+1 v. Ghanshyam+1
MHWS010016342022

Order below Exh.12.

Appellants have filed present application praying that they be permitted to condone the delay to bring on record the legal representatives of respondent no.2 Ganesh Ghanshyam Gaikwad who was died on 30/06/2021. With this, they have prayed that this application be allowed.

2. The respondents have not filed their say. Hence application proceeded without their say.

3. I have heard learned advocate for the appellants. I have gone through record of the appeal.

4. Appellants have stated that respondent no.2 Ganesh Ghanshyam Gaikwad who was died on 30/06/2021. But, they could not bring on record of the legal representatives of deceased within stipulated time for want of information. With this, appellants prayed that this application may kindly be allowed and the delay caused for filing application for bringing legal representatives of deceased respondent no.2 Ganesh Ghanshyam Gaikwad be condoned.

5. Upon perusal of contents of this application, it is seen that respondent no.2 Ganesh Ghanshyam Gaikwad is passed away on 30/06/2021. However, the present application came to be filed on 15/02/2025.

6. Considering the reasons mentioned in the application and

the documents filed on record, in the interest of justice, it will be proper to allow the present application as the right to sue survives. Therefore, in order to avoid technical difficulties and unnecessary harassment to the parties and to prevent the multiplicity of proceeding, the present application deserves to be allowed. Furthermore, no prejudice would cause to the other side, if the application is allowed. In the result, following order is passed.

ORDER

- i) Application is allowed subject to costs of Rs.1,000/- payable to D.L.S.A. Washim
- ii) The delay caused for bringing legal heirs of deceased respondent no.2 Ganesh Ghanshyam Gaikwad is hereby condoned.
- iii) Both parties to take note of this order.

Date : 17.09.2025

(V.D.Ingle)
District Judge 2, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/
Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.V.D.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 17.09.2025
Judgment/Order signed by the Presiding Officer on	:- 17.09.2025
Judgment/Order uploaded on	:- 18.09.2025