

MHAH070004742011



ORDER BELOW EXH.53 IN R.C.A.No.55/2011.

(Shivaji Shankar Fatangare Vs. Bhaga Patilba
Fatangare & ors.)

1] The appellants have requested for condonation of delay for bringing on record the legal heirs of the deceased respondent No.4 Suryabhan Fatangare and respondent No.5 Narayan Fatangare. There has been a delay almost 1 year 8 months and 2 days in filing the application in respect of respondent No.5 and 1 year 7 months in case of the respondent No.4. The appellants claim that it took them considerable time to obtain the death certificates and also to gather information about their legal heirs. Hence, it is stated that the delay is beyond the control of the appellants.

2] The application has been resisted stating that the delay is inordinate and not properly explained.

3] Perused the say. Heard both the sides. The application is supported by a sworn affidavit. It is a sworn statement of the appellant Shivaji Fatangare that it took the appellants a lot of time for collection of death certificate of the respondent No.5 Narayan Fatangare. It took considerable time for finding out the names and details of the legal heirs of both deceased respondents. A copy of death certificate of respondent No.5 Narayan Fatangare has been produced but death certificate of the respondent No.4 is not on record. His legal heirs were however, notified about the application under consideration and they

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have appeared on record without disputing the factum of death of the respondent No.4. I am thus convinced that both the respondent have expired, as claimed by the appellant.

4] A just decision of the case is more important than technical aspects like delay. The respondents can be compensated in terms of money for the delay caused. The reason for not been able to file the application in time, appears to be genuine. I am therefore, convinced that the appellants were prevented by reasons beyond their control, from bringing the Lrs. of the deceased on record within stipulated time period. Hence, the orders.

ORDER

1. The application Exh.No.53 is hereby allowed.
2. The delay caused in bringing on record the legal representatives of the deceased respondent No.4 Suryabhan Namdeo Fatangare and respondent No.5 Narayan Ganpat Fatangere stands condoned subject to costs of Rs.2000/- to be paid within 12 days from today.

Date :-24.02.2026
Sangamner.

(Vivek B.Gavhane)
District Judge-2, Sangamner