

Order below Exh.20 in R.C.S No.126/2021

(CNR No. : MHAH08-0002352021)

This application is filed by plaintiff for condonation of delay. Her contention is that, defendant No.4 Dhondabai Bajirao Muke expired on 28.07.2022. Plaintiff failed to brought the LR's of defendant No.4 within stipulated period. Plaintiff and her husband are old aged persons. Due to their illness failed to appear in the Court and take the steps. After receiving notice from advocate they are appearing and taking the steps. They had not intentionally delayed for bring the LR's of deceased defendant No.4. There is a delay of 9 months to move this application. It is necessary to bring the LR's on record for the proper adjudication of the subject matter.

02. Notice issued against the legal heirs of defendant No.4 i.e. 4A to 4E. But failed to appear. Hence, application proceed further in their absence according to law. No any say filed by the defendants.

03. Heard the counsel for the plaintiff. Present suit is for partition, declaration and injunction regarding the properties. Defendants appeared but failed to file their written-statement. Matter proceeded further without their written-statement. Now, plaintiff moved this application for condonation of delay. Apparently, considering the date of filing of this application and date of death of defendant No.4, it requires that, LR's of deceased should be brought on record within time but plaintiff failed to do so. Considering the reason of illness and old age it appears that,

there is no intentional delay for making this application. Considering the nature of suit and relief rights of plaintiff and defendants involved in it. In such circumstances, for the proper adjudication of the subject matter and in the interest of justice delay is liable to be condoned, otherwise, prejudice will be caused to both the parties. Hence, the following order.

ORDER

- 1) Application is allowed and delay is hereby condoned.
- 2) Parties to take note.

Date : 13/02/2025
Sangamner.

(D.H. Dabhade)
3rd Jt. Civil Judge, Senior Division.,
Sangamner. J.O Code-MH00263

“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	Shri. P R. Satpute
Name of Court	Shri. D. H. Dabhade, 3 rd Jt. Civil Judge, S.D., Sangamner.
Date of Dictation	13/02/2025
Order signed by the P.O.on	13/02/2025
Order uploaded on	13/02/2025