

MHAH200017282021

**RCS No.301/2021**

Suryakala Darade & Anr.

Vs.

Vijaykumar Lunawat & Ors.

ORDER BELOW EXH.33.

1. This an application filed by plaintiffs for condonation of delay for bringing the legal representatives of deceased defendant No.6 Kadubai Sahebrao Dhakane.
2. It is contention of the plaintiffs that, they have filed present suit for declaration and for perpetual injunction against defendants. During the pendency of the suit defendant No.6 died on 09.01.2022. However, due to Covid pandemic, they delayed to bring the legal representatives of deceased defendant No.6 on record. There is no deliberate delay. Hence, he prayed to allow this application.
3. The defendants have filed their say on the application and resisted the application.
4. It is not disputed that, the present suit is in respect of immovable property. Considering the reasons mentioned in the application and to decide the matter on merit and in the interest of justice, I pass following order. :-

ORDER.

1. Application at Exh.33, is hereby allowed subject to cost of Rs.200/- be given to the defendants on or before next date. On failure to pay cost amount, application stands rejected.
2. The delay for bringing the legal representatives of deceased defendant No.6 Kadubai Sahebrao Dhakane is hereby condoned, after payment of costs to defendants.

Date:- 28.11.2023.

(A. S. Birajdar)
Civil Judge Jr. Div.,
Pathardi.