

**( CNR No. MHAH-20-000040-2014)**  
**ORDER BELOW EXH.78 IN REG.C.S NO. 6 of 2014.**  
**Raju Gaikwad + 1 V/s. Mohan Sherkar + 3.**

1. This an application filed by plaintiff No.1 for condonation of delay for bringing on record legal representatives of deceased plaintiff No.1.

2. It is contention of plaintiff No.1 that, plaintiffs have filed present suit for declaration against the defendants. During pendency of suit plaintiff No.2 Vimal Ratan Gaikwad is died on 03/08/2019. As plaintiff is out of village for some religious functions, there is delay to file application to brought legal representatives of plaintiff No.2 on record. Hence lastly plaintiff No.1 prayed to allow this application as prayed.

3. The defendants have objected the application by filing their say and submitted that, application is not within limitation. Only to prolong the matter, this application is filed. Lastly defendants prayed to reject the application with costs.

4. Plaintiff No.1 has filed his affidavit in support of application at Exh.79. It is not dispute that plaintiff No.2 died on 03/08/2019. The plaintiff has filed death certificate of plaintiff No.2 at Exh.56. It shows that plaintiff No.2 is died on 03/08/2019. The present application is filed along with application under O. XXII, R. 4 r/w. O.VI R. 17 of the Code of Civil Procedure. There is delay for filing application. Moreover, suit is for declaration in respect of immovable property.

/ 2 /

Considering the reasons mentioned in the application and to decide the matter on merit and interest of justice. I pass following order.

**ORDER..**

1. The application at Exh.78 is hereby allowed.
2. The delay for bringing legal representatives of deceased plaintiff No.2 on record is condoned.

Date : 11/02/2020.

Sd/- x x x  
( S.S. Deshmukh )  
Civil Judge (J.D.)  
Pathardi.