

CNR NO. MHAH-20-000140-2016

**ORDER PASSED BELOW EXH.29 IN REG.C.S NO. 394 of 2016.**  
**Sopan Late + 3 Vs. Laxman Late + 7**

1. This an application filed by plaintiff for condonation of delay for bringing the legal representatives of deceased defendant No.7.

2. It is contention of the plaintiff that, the plaintiff has filed present suit perpetual injunction against the defendants in respect of suit property. During the pendency of the suit defendant No.7 Machhindra Rambhau Late died on 09/10/2021. However, due to lock-down out of Covid-19, they have not received death certificate of deceased defendant, so there is delay to bring the legal representatives of deceased defendant No.7 on record. There is no deliberate delay. Hence, lastly they prayed to allow this application.

3. The defendants resisted the application by filing their Say. It is submitted by defendants that, the application filed by the plaintiffs is not true and legal. The plaintiff only to prolong the matter, filed present application. The application is not filed within limitation hence, they prayed to reject the application with heavy costs.

4. It is not disputed that, there is delay to bring the legal representatives of deceased defendant No.7 on record. Moreover, suit is for injunction 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.

....2/-

**ORDER.**

1. Application at Exh.29, is hereby allowed subject to cost of Rs.300/- to the deendants 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.7 Machhindra Rambhau Late, is hereby condoned, after payment of costs to the defendants.

Date : 22/11/2022.

( A.S. Birajdar )  
Civil Judge (J.D.),  
Pathardi.