

MHAH250003082009



RCS No.120/2009

Savleram Gadilkar &amp; Ors.

Vs.

Bhausahab Gadilkar &amp; Ors.

**Common Order below Exh-86 & 88**  
**(Passed on 25-11-2025)**

These are applications for condonation of delay and bringing legal heirs of plaintiff No.1B on record.

2] Perused the applications. Heard the learned advocate for both the parties. It is submitted that the plaintiff No.1B has died on 16-07-2023. His legal heirs were required to be brought on record. However, said legal heirs were not brought on record within time. Hence, it is submitted that the delay be condoned and permission may kindly be given to amend the plaint and add the legal heirs of deceased plaintiff No.1B. Defendants filed their say and objected the application on ground of delay. They prayed to dismiss the application with costs.

3] It is not disputed by the parties that the plaintiff No.1B has died on 16-07-2023. Only question is that his legal heirs were not brought on record within time. Suit is for declaration and perpetual injunction. In order to adjudicate the suit on merits, it is just and proper to condone the delay and to allow the plaintiffs to amend the plaint. Delay can be compensated by costs. Therefore, the applications are required to be allowed by imposing costs. Hence, I pass the following order.

**Order**

- 1] Applications are allowed subject to payment costs of Rs.500/- to the defendants on or before next date.
- 2] The delay is condoned after payment of costs.
- 3] Plaintiffs are directed to carry out necessary amendment on or before next date and file the amended plaint on record.

Date: 25/11/2025

**(S.R. Kanakdande)**  
**2<sup>nd</sup> Jt. Civil Judge, J.D., Parner**