

ORDER BELOW EXH.24(Passed on 04th day of January, 2025)

This is an application filed by the plaintiffs for condonation of the delay caused for bringing the legal representatives of deceased defendant no.1 namely Udhavpuri Wasudevपुरी on record.

2. It is contended by the plaintiffs that the defendant no.1 died on 26.12.2021. His widow, two daughters and one son are his legal representatives. After the death of defendant no.1 till 11.02.2022 the plaintiffs could not get the death certificate of deceased defendant no.1. Therefore the delay of 23 days is caused for filing the application for bringing the legal representatives of deceased defendant no.1 on record. Therefore, considering the above mentioned reason said delay be condoned.

3. The proposed legal representatives have filed their say on the leaf of this application. They have contended that the deceased defendant no.1 is brother of plaintiffs. Therefore, the plaintiffs had ample knowledge about the death of deceased defendant no.1. After getting the death certificate of deceased defendant no.1 also the plaintiffs failed to file application for bringing the legal representatives of deceased defendant no.1 within stipulated period. Therefore, this application is not tenable. So it be rejected with costs.

4. Heard the learned respective Advocates of both sides at length. It is very clear that admittedly the proposed legal representatives are the widow and children of deceased defendant no.1. The defendant no.1 died on 26.12.2021 and his death certificate is produced on record. It also appears that the reason mentioned in the application is satisfactory reason. Further for the proper adjudication of dispute and for avoiding multiplicity of proceeding it would be just and proper to grant an opportunity to the plaintiffs for bringing the legal representatives of deceased defendant no.1 on record. In such circumstances the delay caused for filing an application for bringing the legal representatives of deceased defendant no.1 needs to be condoned as sought. Hence, I pass the following order.

ORDER

1. The application Exh.24 is hereby allowed.
2. The delay caused for filing an application for bringing the legal representatives of deceased defendant no.1 is hereby condoned as sought.
3. Costs in main cause.

Date : 04/01/2025.

Sd/-
(**Mahesh S. Kale**)
Civil Judge (Sr. Dn.),
Akot.