

MHAU050029502010



ORDER BELOW EXH. No.129
(Order passed on 31-07-2023)

Plaintiffs have moved this application to condone the delay to bring LR's of deceased defendant No.2 on record.

02. It is contentions of plaintiffs that, defendant No.2 Kailash Kashinath Salunke is expired on 07-12-2020 during the Covid-19. Due to the Covid-19, plaintiff No.1 was also ill, therefore he could not attend the Court and could not file application within time. There is delay of 1 year and 9 month, which requires to condone. Lastly, prayed to allow the application.

03. Application is opposed on behalf of defendants that, the present application is not filed within limitation. This application is filed after 2 years of the death of defendant No.2, hence it is not maintainable. Lastly, prayed to reject the application.

Sahebrao and other V/s. Asrabai and other

04. Perused application and say thereon. I have also perused the prayer of the suit. It appears that, present suit is for the relief of perpetual injunction on the basis of title and possession. If the reasons mentioned in the application are considered, it finds just to entertain the application. Therefore, I am of the considered view that, delay is required to be condoned to adjudicate the matter on merit. No prejudice would cause to other side, if application is allowed. Hence, I pass the following order:-

ORDER

1. Application is allowed as prayed.
2. Delay is condoned to bring the L.R's. of the defendant No.2 Kailash Kashinath Salunke on record.

Date: 31-07-2023

(R. M. Karade)
Jt. Civil Judge (Sr. Div.)
Vaijapur

Sahebrao and other V/s. Asrabai and other

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : Shri. G. M. Zade.

(Stenographer Grade-II)

Court : Shri. R. M. Karade.
Jt. C.J.S.D., Vaijapur.

Date of Order : 31-07-2023

Order signed by the P.O. : 31-07-2023

Order uploaded on : 31-07-2023