

MHAU050039312010



Order below Exh.172 in Spl.C.S. No.159/2010
(Kazi Musa Hussain Mehboob Hussain Vs. Haroon Dadamiya
Quairashi)

Defendants No.10 and 11 (for short ‘these defendants’) have filed this application for condonation of delay caused to file application for review of order below Exh.155.

2] In short, it is the application of these defendants that order is passed at Exh.155 on 06.02.2023 by which legal heirs of Yamin Quairashi are taken on record but actually plaintiff No.4 is Yasin Quairashi but Yasin is alive. Hence, there is no necessity to bring LR’s of Yamin on record. Moreover, Yamin is not party to the suit. Hence, there is no question of bringing LR’s of Yamin Quairashi on record. After passing of the order, this defendant feels that both names are of Yasin but later on, Yasin appeared in the matter. That time, they are surprised. Therefore, there is delay and it is not intentional. Hence, prayed to condone the delay to file review petition and prayed to allow the petition.

3] Say of the plaintiffs is called. The plaintiffs have objected the application contending that it is false and misleading, there is no proper explanation of delay. Application Exh.166 is kept pending intentionally and prayed to reject the application.

4] Heard both the ld. Advocates for the parties. They are

argued to the tune of the application and reply. Perused the record. It appears that, plaintiff No.4 is Yasin Quairashi but legal heirs of Yamin are taken on record. The reason is mentioned in the application for delay that later on Yasin appeared in the matter that time they came to know the fraud. Hence, review petition is filed. I have gone through the record. It appears that, actual plaintiff No.4 is Yasing Quairaishi but legal heirs of Yamin Quariaishi are taken on record. Yamin has no concern with the suit. Moreover, if actually Yasin will be alive then there is no question of taking his legal heirs on record. Even death certificate of Yasin is not filed on record. In the fact and circumstances, the reason appears to be just and sufficient to condone the delay. Hence, it will be legal and proper to allow the application. Hence, the order-

Order

1. The application is allowed.
2. The costs of the application to follow event.

Date : 25.07.2025

(P. D. Zambre)
Jt. Civil Judge Senior Division
Vaijapur

CERTIFICATE

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

Name of the Stenographer	: - Syed Haroon
Court	: - Jt. CJSD, Vaijapur.
Date	: - 25.07.2025
Judgment signed by the Presiding Officer on:-	28.07.2025
Judgment/ order uploaded on	: - 28.07.2025