

MHAU100005112020



Regular Darkhast No.02/2020

Ajinath & Ors. Vs. Sitaram & Ors.

ORDER BELOW EXH.47.

(Passed on 18/09/2023)

(1) Heard both sides. Perused application. Advocate Mr. I.A. Patel for decree holder submitted that, decree holder No.2 Raosaheb s/o. Dashrath Jadhav who was died on 16/04/2023. The copy of Death Certificate is on record. This is an application for condonation of delay in bringing the legal representatives of the deceased decree holder No.2 at Exh.47.

(2) Learned advocate further submitted that decree holder No.2 Raosaheb s/o. Dashrath Jadhav who was died on 16/04/2023 and his legal representatives ought to bring on record. The delay has been caused to collect necessary information in regarding the Legal Heirs of deceased. The delay caused is not intentional. So, he prayed to allow the application.

(3) The judgment debtor filed their say at Exh.47 and submitted that application itself is not maintainable. He further submitted that, the Legal Representative of the decree holder No.2 already filed the same application at Exh.45. The decree No.1 has knowledge about the death of decree holder No.2. The application is deliberately filed

very late. Lastly, the advocate for judgment debtor prayed to reject the application.

(4) Undisputedly, the said application has been preferred by the decree holder. Admittedly there is delay in bringing representatives of deceased decree holder No.2 Raosaheb s/o. Dashrath Jadhav who was died on 16/04/2023. The decree holder are contesting the matter since very long. The valuable rights of parties are involved the matter. More so, while deciding the application u/s 5 of the Limitation Act, 1963 the Court has to take liberal and justice oriented view. The present matter is pending for bringing the legal representatives of deceased decree holder No.2 and no prejudice will be caused to the judgment debtor if the name of legal representatives of decree holder No.2 Raosaheb s/o. Dashrath Jadhav brought on record. On the above discussion, I pass following order.

-:: O R D E R ::-

- (1) The application at Exh.47 is allowed.
- (2) Delay in preferring the application to bring legal representatives on record is hereby condoned.

Date :- 18/09/2023

(Dr. S.V. Rajkuntwar)
Civil Judge J.D.
Khultabad

C E R T I F I C A T E

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original Judgment / order.

Name of the ***Akash S. Chavan***
Stenographer :-

Name of the Court :- C.J.J.D. and J.M.F.C. Court,
Khultabad.

Dated :- 18/09/2023

Order signed by the
Presiding officer on :- 18/09/2023

Order uploaded on :- 25/09/2023