

MHAU130000702022



**ORDER BELOW EXH. 232 IN R.C.S. No.65/2010**

( Laldas Vs. MCA )

1. Applicants have filed this application for bringing them on record after condonation of delay and after setting aside abatement.
  
2. Applicants have submitted that original plaintiff No.7 Mongiben has expired on 08.11.2013 leaving behind present applicants as her legal heirs. Hence it is necessary to bring them on record after condonation of delay. Applicants have submitted that they could not bring themselves on record due to their personal difficulty. Hence delay be condoned.
  
3. Defendant has filed reply to this application at Exh. 232-A. Defendant has submitted that this application is barred by limitation by more than 8 and half years. Applicants have failed to give sufficient reason for condonation of delay. Hence this application is liable to be rejected.
  
4. I heard learned counsel for parties.

5. I perused this application and say submitted. I perused record of this case. Original Plaintiff No.7 Mongiben has expired on 08.11.2013. Applicants have filed this application on 12.04.2022 that is after passing of 8 and half years.

6. This proceeding is continuously going on since 08.11.2013 till the date of filing of this application. Procedure is handmaid of justice. I consider that in the interest of justice, delay can be condoned subject to payment of costs. Therefore I pass this order.

**ORDER**

1. This application is partly allowed.
2. Delay in filing of application for bringing legal heirs of deceased plaintiff No.7 on record is condoned subject to costs of Rs.5,000/- (Rs. Five Thousand only) to be deposited in the office of this court within 15 days from today, payable to Municipal Corporation.
3. Applicants to make separate application for setting aside abatement order.

Date :- 08.02.2023

**(Smt. S.N. Morwale)**  
Civil Judge Senior Division  
(Corporation Court), Aurangabad.

**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 : S.V. Kondekar, Stenographer (Grade-II)  
Court : C.J.S.D. (Corporation Court), Aurangabad.  
Date : 08.02.2023  
Order signed by the  
presiding officer on : 08.02.2023  
Order uploaded on : 09.02.2023