



R.C.S./24/2022

Ganesh Sainath Kaveti Vs. Municipal Corporation, Aurangabad

ORDER BELOW EXH.43

1. This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay in making an application to substitute legal representatives of defendant No.4 Read the application and reply of the defendant corporation. Heard.

2. The defendant No.4 Mangamma Hiralal Chaplollu is reported to be died on 30.09.2024. The suit is for perpetual injunction in respect of immovable property. Therefore, the legal representatives of deceased defendant No.4 should have been substituted within the period of 90 days as mandated by Article 120 of the Limitation Act, 1963 i.e. on or before 30.12.2024. However, they made present application on 17.01.2025. Thus, there is delay of eighteen days in making this application.

3. It is stated by plaintiffs that they were waiting for a receipt of death certificate of defendant No.4 to enable them to file an application for substituting her legal representative. However, they could not get it till the filing of this application. To curtail further delay in making an application for substituting such legal representatives, they made the application without production of death certificate. In such exercise delay of eighteen days is caused to make application and it is necessary to condone it. Hence, I pass the following Order.

ORDER

1. Application stands allowed.
2. The delay of eighteen days in making an application for substituting legal representatives of deceased defendant No.4 stands condoned under Section 5 of the Limitation Act, 1963.

Date :-01.02.2025.

(Shri. N.H. Tikhe)
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. Shinde
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 01.02.2025
Order signed by the presiding officer on	: 01.02.2025.
Order uploaded on	: 01.02.2025.