

Common Order Below Exh. 14 and 15.

(dated: 29/07/2024)

01. These two applications are jointly taken up by the appellant No.1 and the legal representatives of the deceased appellant No.3, to bring on record the legal representatives of deceased appellant No.3 Ramkrushana Namdeo More, by condoning the delay.

02. Both the applications proceeded without reply by the other side.

03. By virtue of these two applications it is contended that the appellant No.3 Ramkrushana Namdeo More was died on 10/05/2023. Whereas appellant No.1 is aged about 79 years with feeble health condition, therefore since long he could not contact with his Advocate on record. He was also not aware that on the death of appellant No.3 his legal representatives are required to be brought on record, within stipulated time. Thus, there is delay to take out the present applications.

04. As already stated these applications proceeded without reply thereby they remained uncontested. Further from the documents placed on record it appears that Ramkrushana Namdeo More was died on 25/12/2020, whereas the present applications were taken out on 13/09/2023. Accordingly, there is

delay of 2 years 08 months and 19 days. However, in view of unchallenged set of facts and circumstances I have no reason to disbelieve that due to the advanced age, health issues and lack of legal knowledge, the appellant No.1 could not contact to his Advocate for the purpose of bringing on record the legal representatives of the appellant No.3. Even if the delay is long, but the other side has not opposed the present application, therefore in order to grant appropriate opportunity to the legal representatives of the deceased appellant No.3, to demonstrate the merits of their case wherein their substantial rights are involved, I found it is just and proper to allow the applications hence, the following order.

ORDER

01. The applications Exh.14 and Exh.15 both are allowed.
02. By condoning the delay, the permission is granted to bring on record the legal representatives of the appellant No. 3 Ramkrushana Namdeo More.
03. The amendment be carried out accordingly on or before next date positively.

Date: 29.07.2024
Place: Khamgaon

(Laxmikant A. Bidwai)
Ad-hoc District Judge-1,
Khamgaon.

Common Order Below Exh. 10 and 11.

(dated: 29/07/2024)

01. These two applications are jointly taken up by the appellant No.1 and the legal representatives of the deceased appellant No.2, to bring on record the legal representatives of deceased appellant No.2 Ninaji Namdeo More, by condoning the delay.

02. Both the applications proceeded without reply by the other side.

03. By virtue of these two applications it is contended that the appellant No.2 Ninaji Namdeo More was died on 10/05/2023. Whereas appellant No.1 is aged about 79 years with feeble health condition, therefore since long he could not contact with his Advocate on record. He was also not aware that on the death of appellant No.2 his legal representatives are required to be brought on record, within stipulated time. Thus, there is delay to take out the present applications.

04. As already stated these applications proceeded without reply thereby they remained uncontested. Further from the documents placed on record it appears that Ninaji Namdeo More was died on 10/05/2023, whereas the present applications were taken out on 13/09/2023. Accordingly, there is delay of 36

days. However, in view of unchallenged set of facts and circumstances I have no reason to disbelieve that due to the advanced age, health issues and lack of legal knowledge, the appellant No.1 could not contact to his Advocate for the purpose of bringing on record the legal representatives of the appellant No.2. Moreover, delay is no so long. In this scenario, I found the merits in the applications hence, the following order.

ORDER

01. The applications Exh.10 and Exh.11 both are allowed.
02. By condoning the delay, the permission is granted to bring on record the legal representatives of the appellant No.2 Ninaji Namdeo More.
03. The amendment be carried out accordingly on or before next date positively.

Date: 29.07.2024
Place: Khamgaon

(Laxmikant A. Bidwai)
Ad-hoc District Judge-1,
Khamgaon.

Certificate

I affirm that the contents of this PDF file order as correct word to word as per the original order or Judgment.

Name of the Court : Adhoc DJ-1 and ASJ, Khamgaon.

Name and designation : C. N. Mahale, Stenographer (Grade-2)

Direct dictated on : 29/07/2024

Checked on : 29/07/2024

Signed on : 29/07/2024

Uploaded On : 29/07/2024