

Order below Exh.47

Present application is moved by the plaintiff for condonation of delay for bringing Legal representative of defendant no 01 on record. It is contended that the due to lack of legal knowledge of the plaintiff, the plaintiff could not apply for bringing the legal representatives on record within statutory period. By virtue of subject application, he has prayed to condone the delay. The defendant filed say and strongly objected the application.

2. The plaintiffs have contended that, defendant no 01 has passed on 21/01/2024. The plaintiff has produced on record supporting affidavit of application at Exh.48. The defendants have not denied the fact of the death of the defendant no. 1 and the fact that the proposed defendants are his legal heirs.

3. Present application is moved on 26.11.2024 i.e. almost after 10 months after the death of the defendant no. 1. There is inordinate delay in taking legal representatives on record. However, the grounds for delay mentioned in the application appears to be satisfactory. It will be justifiable to condone the delay and decide the suit on merits. If the delay is condoned, no harm or prejudice would be caused to the defendants. Hence the order.

ORDER

1. Application vide Exh. 47 is allowed.

2. The delay caused in bringing legal representatives of the deceased defendant no. 1 on record is condoned subject to costs of Rs. 500/-, costs be paid by the plaintiff to the other defendant on or before next date.

Date : 03.07.2025

(Harshada S. Admane)  
Civil Judge, J.D., Shindkheda