

**Reg. Civil Suit No. 15/2020  
Madhuri Nirwan & others vs  
Khemraj Nirwan & others**

**Common Order Below Exh. 15 & 16**  
**(Dated 21.08.2024)**

Both applications are filed by plaintiffs for condonation of delay and bringing the legal heirs of deceased defendant no. 1 i.e. Khemraj S/o Sukal Nirwan on record. Plaintiffs submitted that defendant no. 1 i.e. Khemraj S/o Sukal Nirwan died on 04.05.2021. Plaintiff did not get the death certificate of deceased within time. Therefore, plaintiffs could not bring the legal heirs of deceased defendant no. 1 on record. Hence, plaintiffs moved these applications.

**2]** Learned advocate for defendants failed to file their say. Therefore, present application is decided without say of defendants.

**3]** Heard learned advocate for plaintiffs. It reveals from the death certificate filed alongwith Exh. 18 that defendant no. 1 i.e. Khemraj S/o Sukal Nirwan died on 04.05.2021 at Saundad, Tah-Sadak Arjuni, District Gondia. The present suit is for Partiton, declaration and permanent injunction. Therefore, right to sue survive against the LR's of the deceased defendant no. 1. The deceased defendant no. 1 is survived by his wife and four daughters, they are legal heirs of deceased defendant no. 1.

**4]** Learned advocate for plaintiffs has filed present application alongwith application for condonation of delay. The present application is not filed within the limitation of 90 days from the date of death of defendant no. 1 as stated under Article 120 of the Limitation Act.

5] The reason stated by the plaintiffs are plausible and satisfactory, hence for adjudication of matter and to avoid multiplicity of proceedings, it is just, proper and reasonable to condone the delay and allow the applications. Therefore, in the interest of justice and fair opportunity, I pass the following order.

**ORDER**

- 1] The applications filed at Exh. 15 & 16 are allowed.
- 2] Plaintiffs are directed to bring the legal heirs of deceased defendant no. 1 i.e. Khemraj S/o Sukal Nirwan on next date i.e 04.09.2024.
- 3] The delay in bringing the LR's is hereby condoned.
- 4] The plaintiffs are also directed to furnish the amended copy of the plaint. If plaintiffs fails to bring the LR's of deceased defendant no. 1 on record within stipulated time and fail to furnish the amended copy of plaint, then these applications be treated as rejected without any specific order.

Date : 21.08.2024

(Dr. Vikram A. Avhad)  
Civil Judge Jr. Dn., Sadak Arjuni.

मी प्रमाणीत करतो की, या पीडीएफ फाईलमधील मजकुर व मुळ न्यायनिर्णय मधील मजकुर हा एकसारखाच आहे.

लघुलेखकाचे नाव : आर. डी. भुजाडे  
कोर्टाचे नाव : डॉ. वि. अं. आव्हाड,  
दिवाणी न्यायाधीश क. स्तर  
व प्रथम वर्ग न्यायदंडाधिकारी, सडक अर्जुनी

न्यायनिर्णय/आदेश दिनांक : २१.०८.२०२४  
पिठासीन अधिकारी यांनी सही केलेली तारीख : २१.०८.२०२४  
न्यायनिर्णय अपलोड केलेली तारीख : २१.०८.२०२४