

MHGO060006842021



COMMON ORDER BELOW EXH. 15 AND 16

(Delivered on this 07th Day of July, 2023)

1. Perused the application filed at Exh. 15 and 16. The plaintiff filed suit for possession against the defendant. The learned advocate for the defendant filed his reply and submitted that there is sufficient delay for filing the application and matter is abated and therefore he prayed to reject the application with costs.
2. Plaintiff No.1 Shivcharan Tulsiram Gadvar is reported to have died on 16-02-2022 at Navnitpur, Tq. Arjuni/Morgaon. The learned advocate for the applicant submitted that due to lack of legal knowledge, the applicant failed to bring legal heirs on record within stipulated time. The deceased plaintiff No. 1 is survived by his legal heirs. They are the legal heir of the deceased plaintiff. The right to sue, therefore, survives.
3. The reason stated by the applicant in his application is appeared genuine. There is no deliberate delay on the part of plaintiff in filling the application. Therefore the delay for bringing legal heirs on record is condoned. In order to decide matter on merit, application needs to be allowed. Therefore, I pass following order.

R.C.S.No. 50/2021
Shivcharan & Ors V/s Tulshidas & Ors.

ORDER

1. The application is allowed.
2. The applicant is allowed to bring the L.R.'s of the deceased plaintiff No.1 Shivcharan Tulsiram Gadvar on record of the suit within 14 days from the date of this order.

Date : 07-07-2023

Sd/-
(**N.V. Sahu**)
Civil Judge (J.D.), Arjuni/Morgaon