

Order below Ex.132

Perused the present application filed by the plaintiff for condonation of delay to bring the heirs of the plaintiff on record. By way of this application, it is contended that there is four months delay in bringing LRs on record. Thus, prayed for condonation of the said on the ground that the son of the deceased plaintiff was suffering from the heart disease.

2. The say of the defendant has been filed on the back leaf of the application contending that the applicant has not explained the day-to-day delay caused in filing of the instant application. On this ground the defendant prayed for the rejection of the application.

3. Heard the plaintiff. It is submitted that the Plaintiff died on 17.07.2023 and the son of the deceased plaintiff undergone a bypass surgery on 5.12.2024. Since then, he was under the treatment. The relevant documents are filed on record.

4. Perused the application. No doubt that his application is filed after the prescribed period of limitation for bringing the LRs of the deceased plaintiff. On perusal of record, it is seen that the suit is at the stage of the final hearing. The plaintiff has adduced his evidence. Therefore, it is mere a formality to take the legal representative on record.

5. As it is the settled law that, the delay shall be generally and liberally condoned. Therefore, considering the date of the death of the applicant and the disability of the applicant to move the present application, the delay is liable to be condoned by imposing a cost of Rs. 1000/- payable to the DLSA Jalna. Hence, I pass following order.

ORDER

1. The application is allowed.
2. Dela is condoned subject to the payment of Cost Rs.1000/- to the DLSA ,Jalna.

Sd/-

Jalna.

(Smt. S. N. Pund)

Date - 16.06.2025.

3rd Jt Civil Judge Junior Division, Jalna.