

**Order below exh.87**

Applicant has filed present application for condonation of delay.

2. Applicant submits that the original plaintiff Laxmibai @ Sarubai Baburao Wakde, the grandmother of the applicant died on 19.09.2023 at Jafrabad leaving behind no “will”. This suit is originally filed for Nagar Panchayat House No.3438, admeasuring 800 sq.ft. for the land Gat No.62 of village Jafrabad which was purchased by her mother-in-law of original plaintiff namely Jankabai Kaluba Wakde by agreement for sale dated 27.03.1963. Till then, she was in continuous possession of the suit land which is particularly described in the plaint.

3. Applicant further submits that the deceased original plaintiff Laxmibai @ Sarubai Baburao Wakde was the exclusive owner of the suit property being her stridhan property and it was not the joint Hindu family property. Though, she had originally three sons and one married daughter as a legal heirs to succeed her property, but since she partitioned her suit property during her lifetime in favour of the applicant and therefore the applicant is become legal representative of her for the purpose of this suit and to continue with the necessary proceedings further. Going to the technicality, this application ought to be filed before this Court on or before 18.12.2023, but it cannot be filed due to lack of legal knowledge and therefore separate application for condonation of delay is filed with this

application. Lastly, applicant prays that application may be allowed and the delay of 24 days for filing legal heirs petition may kindly be condoned.

4. Respondents strongly objected the application on ground that this application is not tenable in the eyes of law, hence same be rejected.

5. Perused application and say.

6. Heard.

7. After perusal of record it appears that admittedly the original plaintiff Laxmibai @ Sarubai Baburao Wakde has expired on 19.09.2023 at Jafrabad. The present application is filed by the present applicant who is grandson of the deceased Laxmibai @ Sarubai Baburao Wakde. For not filing the application within time, the applicant put forth proper explanation and he properly explained the delay of 24 days for filing an application for bringing legal representative on record. Considering the facts, the application is tenable one and I pass following order.

### **ORDER**

The application is allowed and the delay of 24 days for filing legal heirs petition is hereby condoned.

Date: 05.07.2024.

(Shri. D. S. Thorat)  
Civil Judge (S.D.),  
Jalna.

## CERTIFICATE

I affirm that, the contents of this P.D.F file are word to word as per original order.

Name of Stenographer : V. A. Dhone (Grade-III).  
Name of Court : Civil Court,(S.D.) Jalna.  
Date of PDF : 06.07.2024.

sd/-  
Signature of stenographer