

MHKO010042332016



ORDER BELOW EXH.26 IN MISC. CIVIL APPEAL No.263/2016.
[Vittal Pandurang Nangare & Ors.2 Vs. Ananda Keraba Nangare & Ors. 6]

Respondent No.3 Narayan Keraba Nangare died on 11/09/2018. The appellants have filed this application on 05/03/2020 for condonation of delay to bring his legal representatives on record. According to the appellants, he could not get the death certificate of deceased respondent No.3 in time. He has produced on record the death certificate and it appears therefrom that it has been issued on 03/03/2020.

2. This application is resisted by the other respondents contending that the ground mentioned for condonation of delay is vague and misleading. There is delay of 430, which is inordinate and therefore, it shall not be condoned.

3. Considering the fact that the appeal has not been disposed of as abated, as there are other respondents prosecuting this appeal. Only the respondent No.3 has died and the ground mentioned by the appellant that he could not get the death certificate in time can be justified by reading date of issuance of said certificate. The suit is for partition and the proposed Legal Representatives of deceased respondent No.3 would be the necessary parties, which are required to be brought on record for the purpose of this appeal.

4. Hence, I deem it just and proper to condone the delay and allow the appellant to bring on record the proposed Legal Representatives of deceased respondent No.3. Hence, the order.

ORDER

The application is allowed and delay is condoned.

Sd/-

(**S.R. Salunkhe**)

District Judge-3, Kolhapur.

Date: **04-10-2021**.

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

Name of the Stenographer	Shri. A.A.Patil
Name of Court	Shri. S. R. Salunkhe, District Judge-3, Kolhapur.
Date of Dictation	04-10-2021
Order signed by the P.O. on	04-10-2021
Order uploaded on	04-10-2021