

MHKO050044502019



ORDER BELOW EXH. 45 REG. CIVIL SUIT NO. 335/2019

1. This is an application filled by the plaintiff to condone the delay for bringing legal heirs on record.

2. Plaintiff stated that defendant no. 1 has died on 25.03.2022 but he is unable to bring LRs within 90 days. After knowing that defendant no. 1 was dead, plaintiff has filed this application. Due to the ignorance of law, delay caused to bring legal heirs of defendant no. 1. Hence, delay was not intentional. Hence, prayed to condone the delay.

3. Defendant has filled his say plaintiff is literate person and very well aware of the legal facts. Hence, the delay is intentional. Hence, prayed to reject the same.

4. It appears that there is delay. Plaintiff is illiterate is not a ground for delay as plaintiff is the master of his own suit is the basic principal. There is no cogent reason in the application therefore application needs to be allowed by imposing some costs on the plaintiff as it will cause unnecessary delay in the progress of the suit.

Hence, the order.

ORDER

Application is allowed subject to costs of Rs.500/- be paid to the defendant no. 1.

Ichalkaranji
Date: 26.10.2023

(S. S. Pednekar)
6th Jt. Civil Judge Junior Division,
Ichalkaranji