

MHKO070005662016



**REGULAR CIVIL SUIT NO. 103/2016**  
**( Shri Ajitkumar Upadhye & Ors. - Vs. Brahmsuri Upadhye**  
**(deceased) through Lr. Shri Bharkumar Upadhye )**  
**ORDER BELOW EXH. 56**

This is an application filed by plaintiffs for condonation of delay in taking legal heirs of the deceased plaintiff No.2 on the record of the present suit. Defendants have filed their say overleaf the said application. Heard the learned advocates for both sides.

2] Plaintiffs contended that plaintiff No.2 was died on 25/02/2021 and thereafter her wife Virashree Virkumar Upadhye also died on 28/03/2021. Plaintiff No.2 was died in the corona pandemic. Therefore, there is delay for taking legal heirs of deceased plaintiff No.2 on the record of the present suit.

3] Perusal of the death certificate of deceased plaintiff No.2 shows that the date of death is 25/02/2021 and the application for condonation of delay is filed on 15/07/2022. Thus, there is a meager delay in bringing legal heirs of deceased plaintiff No.2 on the record of the present suit. However, in order to enable the court to effective and complete adjudicate upon and settle all the questions involved in

the suit, it would be justifiable to condone the delay caused by plaintiffs for taking legal heirs of deceased plaintiff No.2 on the record of the present suit. However, at the same time a delay caused for taking legal heirs of deceased plaintiff No.2 needs to be compensated. Hence, the application is allowed subject to cost of Rs.100/- (Rupees One Hundred only) to be given to defendants.

Place – Jaysingpur.  
Date - 25/09/2024

( **Smt. Renuka D. Gaikwad** )  
Joint Civil Judge Junior Division,  
Jaysingpur, Tal. Shirol, Dist. Kolhapur.