

MHKO090000192013



ORDER BELOW EXH. 54 IN SPL. CIVIL SUIT NO. 2/2013

1. Perused the application and say. It is submitted in the application that in the interest of justice, the application is liable to be allowed by condoning delay and to allow the plaintiff to bring legal representatives of plaintiff No. 1 on record. On the other hand, it is submitted by the defendant that reason for condoning the delay is not satisfactory.
2. It is averred in the application that plaintiff No. 1 died on 20.02.2019, but entry of his death was not taken till 11.03.2022. Therefore, necessary application could not be filed. The reason regarding this is shown as Covid-2019 Pandemic. According to the plaintiff, due to pandemic situation, the entry of death was not taken by the concerned authorities.
3. After considering the application and say, I find that the reason for condonation of delay can be accepted by awarding costs to the defendants. I agree that plaintiff No. 1 died on 20.02.2019. However, there is substance in the contention that the entry was sanctioned on 11.03.2022. The death certificate bears that date as its date of issuance. Hence, the delay can be condoned by awarding costs of Rs. 700/- to the defendants.

4. The plaintiff has correctly mentioned legal representatives of plaintiff No. 1. Accordingly, I pass the following order -

ORDER

1. Application Exh. 54 is allowed.
2. The delay caused in bringing legal heirs of plaintiff No. 1 on record is hereby condoned on costs of Rs. 700/-.
3. Costs shall be paid to the defendants within two weeks from the date of this order.

Date : 17.01.2023

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj