



ORDER PASSED BELOW EXH.28
IN REGULAR CIVIL SUIT NO.129/2023

[CNR No.MHKO090002302023]

The present application is filed by plaintiff for condonation of delay to bring legal heirs defendant no.7-A-III Mainabai Santu Patil on record. It is contended by plaintiff that to obtain the death certificate, there was some time consumed and therefore, there was delay in bringing the legal heirs on record.

2. The defendant nos.1 to 4 objected the application vide Exh.38 on the ground that the present application is totally false, baseless. The instant application is untenable in law. There is delay of more than 11 months and proper explanation is not assigned. Therefore, the application is liable to be rejected with cost of Rs.5000/-.

3. I have given thoughtful consideration to the arguments advanced by both the sides. It is well-settled principle that while dealing with the condonation application, the view of Court should not be hyper-technical, in fact, elastic approach should be adopted. The present suit is for declaration and permanent injunction. From the application, it appears that the delay is not intentional, therefore, if the delay for bringing legal heirs is condoned, then the matter in controversy can be decided

conclusively. Thus, I pass the following order :-

ORDER

- 1] The delay for bringing legal heirs of defendant no.7-A-III Mainabai Santu Patil on record is hereby condoned subject to the cost of Rs.1000/- (In Words Rupees One Thousand Only). The cost be deposited to the office of Taluka Legal Services Committee, Gadhinglaj.

Place : Gadhinglaj.
Date : 25.03.2025.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj