



ORDER PASSED BELOW EXH.53
IN REGULAR CIVIL SUIT NO.123/2014

[CNR No.MHKO090003092014]

The present application is filed by plaintiff for condonation of delay and for setting-aside abatement. It is the contention of the plaintiff that defendant no.1 was died on 09.06.2019 and defendant no.3 died on 09.12.2023. The death certificates of the deceased defendants were not available in time, so also the names and address of the legal heirs of deceased defendants were also not available to plaintiff in time. The delay caused to bring legal heirs is not intentional and therefore, it be condoned and abatement be set-aside.

2. Per contra, the application is strongly opposed by the defendant no.1A and 2 on the ground that the plaintiffs have belatedly submitted the application, therefore, it is liable to be rejected and if allowed, the heavy cost be imposed.

3. Heard both the sides. It is well-settled principle that while condoning the delay, the approach of the Court should be lenient and it is not always necessary to explain the delay of each day. In the case at hand, the plaintiff put-forth the reason about the non-availability of death certificates, the names and address of

legal heirs. However, in the application, it is nowhere mentioned as to how and when they got the information. There is no explanation regarding the same. Thus, in my view, while condoning the delay, the cost must be imposed, so as to the plaintiff will be vigilant in future. Thus, I pass the following order :-

ORDER

- 1] The application is allowed subject to the cost of Rs.1000/- (In Words Rupees One Thousand Only). The cost be deposited to the office of Taluka Legal Services Authority, Gadhinglaj.
- 2] After payment of cost, the delay is hereby condoned and the abatement is set-aside.

Place : Gadhinglaj.
Date : 15.11.2025.

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