

**ORDER BELOW EXH. 45 IN REG.CIVIL SUIT NO. 175/2010**

This application is under section 5 of the Limitation Act for the condonation of delay to bring legal heirs on record of deceased Narayan Dattu Shinde. It is contended that on 25-4-2014 he died. His death certificate is also placed on record. It is contended in this application that as defendant No. 7 was residing at Gadhinglaj, plaintiff had no knowledge about his demise. Even there is no any pursis on behalf of defendants to intimate this fact, therefore, delay is caused. On this ground, plaintiff prayed for condonation of delay.

Notices issued to the proposed heirs of defendant No.7. Notice to proposed defendant No.7(b) served, but she not turned up. Proposed L.R's 7-A, C, and E filed their joint say at Exh. 64 and resisted the application on the ground that defendant No.7 is relative of the plaintiff. The contention of the plaintiff that he could not get information about demise of deceased is not correct. Contents in the application are false. Defendant No. 7(B) is not heir of deceased. On these grounds, defendant prayed for rejection of the application.

I gave thoughtful consideration to the rival arguments. ( But whether defendant No.7-B is first wife or second wife would be considered at the time of hearing). It appears that there is sufficient cause to condone delay because it appears that plaintiff had no knowledge about demise of defendant No.7 and even there is

no any pursis intimating such fact. Considering the nature of the suit, if delay is not condoned , it would cause injustice and deprive heirs of defendant No. 7 from contesting the matter on merit. Hence, in the interest of justice, application deserves to be allowed. Therefore, I pass following order

**ORDER**

1. Application is allowed.
2. Delay to bring legal heirs  
on record is hereby condoned.

sd/-

Dated :- 27-1-2016

Joint Civil Judge, Jr.Dn.,  
Gadhinglaj