

MHKO110000081981



Regular Civil Suit No. 65/1989.
(CNR No.MHKO110000081981)

ORDER BELOW EXH.177

01. The plaintiffs have made this application for condonation of delay for moving the application under Order 22 Rule 4 of The Code of Civil Procedure for bringing legal heirs of deceased defendant no.3 – Raghunath Rajaram Apparadh. The defendant no.3 was expired on 03/07/2023. It is the submission of the plaintiffs that, they themselves calculated the limitation for bringing the legal heirs on record, but by mistake their calculation went wrong and delay of eight days occurred to bring legal heirs on record. It is the further submission of the applicants that, they have not deliberately caused delay. Therefore they prayed to condone the delay in the interest of justice.

02. The say of defendants was called. The defendants have filed their say on the leaf of application and strongly objected the application.

03. Read application. Heard the advocate for both sides. Perused record.

04. On perusal it reveals that, plaintiffs have filed the suit for injunction against defendants. Considering the nature of the suit and so as to resolve the real controversy between the parties, it is necessary to have on the record the presence of the proposed party. There is considerable delay for filing the application, however at the same time, reasons for delay are satisfactorily given by the plaintiffs. Therefore

there is no hurdle for bringing the legal representatives of the defendant no.3, on record by condoning the delay. On the other hand plaintiffs needs to be compensated in terms of costs. Hence I pass the following order.

ORDER

- 1) The application at Exh.177 is hereby allowed.
- 2) The delay occurred in bringing the legal heirs of defendant no.3 – Raghunath Rajaram Apparadh, as mentioned in this application on record is hereby condoned.
- 3) Application at Exh.177 is disposed off accordingly.

(L. M. Pathan)

Civil Judge Jr.Dn., Peth-Vadgaon

Date : 24/08/2023.