

Common Order below Exh.146 and 147

1. These are applications filed by the plaintiffs for condonation of delay and bringing the legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav on the record. According to the plaintiffs, it is contended in **Exh.146** that, the plaintiff No.1(A) – Indubai Jagannath Jadhav died on 12/07/2018. It is submitted that, the delay was caused for taking the legal representatives of plaintiff No.1(A) – Indubai Jagannath Jadhav on record. It is further submitted that, as the legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav were already on record, they have not filed separate application for the same. Therefore they have not deliberately caused delay for bringing legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav on record. It is further submitted that, in the interest of justice, the delay occurred may be condoned, presence of legal representatives of deceased is necessary and hence the application be allowed.

2. It is further submitted in **Exh.147** i.e. application for taking the legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav on record that, plaintiff No.1(B), 1(C) and 1(D) are the only legal heirs of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav. It is further submitted that, in the interest of justice, the application be allowed.

3. The say of advocate for defendants was called on both applications. He has objected the applications by filing his say at **Exh.148** and prayed to reject the applications.

4. Considered rival submissions made by both parties. Perused record. Heard learned counsel for both parties. On perusal of document filed by the plaintiffs i.e. death certificate of the plaintiff No.1(A) – Indubai Jagannath Jadhav, it reveals that, plaintiff No.1(A) was died on 12/07/2018. It appears that, the present applications are filed on 24/10/2018. It further appears that, there is delay in filing the applications of near about 12 days. According to the plaintiffs, the legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav are already on record, therefore, they have not filed these applications within limitation period of 90 days and therefore delay was caused.

5. The suit is filed by the plaintiffs for relief of possession against the defendants. Thus it is observed that, in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved, it is necessary to allow the applications. However for causing delay subject to imposing reasonable costs. With this I proceed to pass the following order:

ORDER

- 1) The applications at **Exh.146 and 147** are hereby allowed.
- 2) The delay occurred of 2 days in bringing the legal representatives of deceased plaintiff No.1(A) – Indubai Jagannath Jadhav on record is hereby condoned subject to cost of Rs.500/-, it be paid to defendants.
- 4) The necessary amendment be carried out in the plaint on next date and file the amended copy of the plaint accordingly

Date : 14/03/2018
Peth-Vadgaon

Sd/-
(J. S. Gaikwad)
Civil Judge Jr.Dn., Peth-Vadgaon

I affirm that the contents of the P.D.F. file order are same,
word to word, as per the original order.

Name of the Stenographer	Sou.K.S.Gaikwad
Name of the Court	J.S.Gaikwad, Civil Judge Junior Division, Peth-Vadgaon
Date of Dictation	14/03/2018
Order signed by the P.O. on	14/03/2018
Order uploaded on	15/03/2018