

MHKO110001662012

R.C.S. No. 189/2012Bandu Laxman Patil.Vs.Mansing Dadaso Surve.**ORDER BELOW EXH. 41**

Present application is filed by the plaintiff to condone the delay for bringing legal heirs of deceased defendant No.1 on record.

02. The plaintiffs contended that, defendant No.1 namely, Mansingh Dadaso Surve has died on 13/02/2024. Due to insufficient documents, plaintiff failed to bring legal heirs of deceased defendant No.1 on record within stipulated period. No prejudice will be caused to the plaintiff if present application is allowed. Hence, for the reasons stated in the application, plaintiff prayed to allow the application.

03. Defendants have filed their say overleaf of the application and strongly resisted to it by contending that, no cogent reasons stated in the application. Only to prolong the matter plaintiff has filed present application. Hence, present application be rejected. If applications are allowed then heavy costs should be made against plaintiff.

04. I have perused application and say. It appears that, present suit is filed for declaration and permanent injunction against the defendants. If legal heirs of deceased defendant No.1 are added as party they will be legally entitle to proceed with the matter. So far as the delay in filing the application is concerned, it would be proper to allow the application by awarding costs on plaintiff. Considering the nature of litigation it is necessary to condone the delay caused by plaintiff. Hence, I pass following order.

ORDER

Present application (Exhibit No. 41) is allowed subject to costs of Rs.1000/- (Rupees One Thousand Only) payable to defendant.

Date : 23/07/2026
Peth-Vadgaon.

(J. N. Bhasme)
3rd Jt. Civil Judge Junior Division,
Peth-Vadgaon.