

MHKO110002432020

R.C.S. No. 19/2020Ashok Namdevrao PatilVs.Swapnil Eknath Buwa**ORDER BELOW EXH. 64**

Present application is filed by the plaintiffs in counterclaim to condone the delay for bringing legal heirs of deceased plaintiff No. 3 in counterclaim on record.

02. The plaintiffs in counterclaim contended that, plaintiff No. 3 namely, Eknath Maruti Buwa has died on 17/11/2025. Due to insufficient documents, plaintiffs failed to bring legal heirs of plaintiff No. 3 in counterclaim on record within stipulated period. No prejudice will be caused to the defendant in counterclaim if present application is allowed. Hence, for the reasons stated in the application, plaintiffs in counterclaim prayed to allow the application.

03. Defendant in counterclaim has filed his say overleaf of the application and strongly resisted to it by contending that, no cogent reasons stated in the applications. Plaintiffs in counterclaim deliberately filed present application. Hence, he prayed to reject the application with costs.

04. I have perused application and say. It appears that, present suit is filed for injunction against the defendants. The original defendants in present suit has filed counterclaim against the original plaintiff at Exh.15. If legal heirs of deceased plaintiff No. 3 in counterclaim 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 plaintiffs in counterclaim. Considering the nature of litigation it is necessary to condone the delay caused by plaintiffs. Hence, I pass following order.

ORDER

1. Present application (Exhibit No. 64) is allowed subject to costs of Rs.300/- (Rupees Three Hundred Only) payable to defendant in counterclaim.

Date : 20/04/2026
Peth-Vadgaon.

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