

MHKO110009522019



Common Order Below Exh. 41 In
RCS No. 95/2019

Kasturi Gurav
v/s
Vinayak Gurav and Ors.

The present application is filed by the plaintiff for bringing the legal representatives of the deceased defendant No.2 on record by condoning the delay. The defendants have filed their say on the overleaf of the application itself and have strongly objected to it.

02. Perused the record. Heard the learned advocate for both sides.

03. The plaintiff submitted that, the defendant No.2 Netaji Madhukar Gurav has demised on 05/07/2024. Therefore, the representatives of defendant No.2 ought to be brought on record. However, due to the registration by the Kolhapur Municipal Corporation on 24/07/2024 there is a delay of 15 days in obtaining the death certificate. It is not deliberate. Therefore, he prayed to allow the said applications.

04. The advocate for the defendants has strongly objected to the said application that it is not in accordance with law. No sufficient reasons has been given for the delay caused in preferring the said application. Hence, he prayed to reject the application with cost.

05. The present suit is filed for partition and permanent injunction. The plaintiff has filed death certificate of the defendant no.2 on record. On perusal of the death certificate it appears that the defendant no.2 has demised on 05/07/2024. Sometimes there is a delay in obtaining the death certificate from the concerned birth and death registration department of the Municipal Corporation. Prima facie the delay does not seem to be deliberate. Thus, considering the fact and circumstances of the present case

and for proper adjudication in the matter, it is necessary to allow the applications to bring legal representatives on record by condoning the delay of 15 days. Therefore, there is no need to impose the costs. Hence, the following order is passed.

ORDER

1.	Application below Exh.41 is allowed.
2.	The delay caused in bringing the legal representatives of the deceased defendant no.2 on record is hereby condoned .
3.	The plaintiff is allowed to bring legal representatives of the deceased defendant no.2 on record within period of 14 days.
4.	No order as to costs.

Date : 03/07/2025
Place: Peth-Vadgaon

sd/-
(R. S. More)
3rd Jt. Civil Judge J. D., Peth-Vadgaon