

MHKO110009902022 	<u>ORDER BELOW Exh. 42 IN</u> <u>Reg. Civil Suit No. 132/2022</u> <u>Shrikant Balwant More</u> <u>Vs.</u> <u>Dhanaji Baburao Patil</u>
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The present application is filed by the plaintiff to condone the delay caused to bring the legal representatives of the defendant No. 24 on record. The defendants have filed their say on the overleaf of the present application itself and has strongly objected to it.

02. Perused the record. Heard the advocates for both sides.

03. The Ld. Advocate for the plaintiff submitted that, the defendant No. 24 Smt. Sakhubai alias Shakuntala Ramchandra Pawar has demised on 15.03.2023 and that her legal representatives should have brought on record by 14.06.2023. He further submitted that, there is delay of 36 days in bringing the legal representatives on record. The said delay is not deliberate by the plaintiff. Hence, he prayed to allow the application.

04. The Ld. Advocate for the defendant submitted that, the reason mentioned for condoning the delay is not reasonable. He therefore prayed to reject the application.

05. On perusal of the record it prima facie appears that, the defendant No. 24 is demised on 15.03.2023, the presence of her

legal representatives is necessary in order to enable all the parties to the suit get an effective relief in the suit if it is decreed and to finally decide the issues involved in the suit on merits. Hence, it is necessary to condone the delay.

06. Also, as it takes time to gather information in respect of the legal representatives of a deceased person, the delay of 36 days does not appears to be intentional and it deserves to be condoned. If permission is granted, there seems no prejudice being caused to the defendants if the legal representatives of the deceased defendant No. 24 are brought on record. Therefore it is not necessary to impose costs on the plaintiff. Hence, the following order is passed :-

ORDER.

1. Application vide **Exh. 42** is hereby allowed.
2. The delay caused for bringing the legal representatives of deceased defendant No. 24 is hereby condoned and that the names of the legal representatives be taken on record by necessary amendment.
3. No order as to costs.

Peth-Vadgaon
Date : 26.03.2025.

Sd/-
(R. S. More)
3rd Jt. Civil Judge, Jr. Dn., Peth-Vadgaon.