



ORDER BELOW EXH. 39 in RCS No. 105/2017

CNR Number is MHKO110011112017

(Passed on 02/05/2022)

1. Through this application, Plaintiff prayed for condoning delay caused for bringing legal heirs of deceased defendant No. 1 Sidram Tuka Shinge who died on 12/01/2020 on record. Delay is approximately of more than 1 year, 11 months and 13 days. Reason mentioned for delay is due to pandemic situation in Covid-19.

2. Other side have filed reply on this application and strongly objected this application. Defendants contended that, reasons mentioned for the delay are not sufficient. All the reasons are false. Hence, defendants prayed for reject the application with costs.

3. Perused record. This application and say on it. Heard learned advocate for plaintiffs and defendants for sufficient time.

4. Present suit is filed by plaintiffs for permanent injunction and deceased defendant No. 1 is necessary party to this suit. Defendant No. 1 survive by legal heirs. Having gone through the application, nature of the proceeding and fact that delay to bring on record is of more than 1 year 11 months and 13 days to bring heirs, I am inclined to allow the application and to proceed on merits instead of technicalities by imposing some costs on plaintiff. It is to advance justice and bury injustice. Resultantly, following order.

ORDER

1. Application at Exh. 39 is allowed subject to cost of ₹200/-.
2. Delay caused for bringing legal heirs of deceased defendant No. 1 Sidram Tuka Shinge died of more than 1 year 11 months and 13 days is hereby condoned.

(C. S. Deshpande)

Date :- 02/05/2022

Jt. CJJD, Peth-Vadgaon.