

MHKO110014022019



Order Below Exh. 43 In
RCS No. 151/2019

Mohan Shankar Gurav
v/s
Ravindra Shankar Gurav and Ors.

The present application is filed by the plaintiff for bringing the legal representatives of the deceased defendant No.1 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. 1 Ravindra Shankar Gurav has demised on 06/05/2025. Therefore, the legal heirs of defendant no. 1 ought to have been brought on record. Previously, the plaintiff had filed an application for bringing the legal heirs of deceased defendant no. 1 on record. However, due to typographical mistake, the names of defendant no. 2 and 3 were mistakenly recorded. Therefore, there is delay in filing the application. It is not deliberate. Therefore, he prayed to allow the said application.

04. The advocate for the defendants have submitted that, there is no appropriate reason mention for delay caused for taking the legal heirs of defendants on record. Hence, they prayed to reject the application with cost.

05. On perusal of record it appears that, the present suit is filed for partition and permanent injunction against the defendants.

The plaintiff has filed death certificate of deceased defendant no. 1 is on record. On perusal of the death certificate it appears that the defendant no. 1 has demised on 06/05/2022. However, on 17/08/2023 the plaintiff has preferred present application. There is delay of approximately 1 year for taking the legal heirs on record.

06. 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 application to bring legal representatives on record by condoning the delay by imposing costs on the plaintiff. Hence, the following order is passed.

ORDER

1.	Application below Exh.43 is allowed subject to payment of cost Rs. 100/- (Rupees One Hundred Only) payable to the Taluka Legal Aid Services Authority.
2.	The plaintiff is allowed to bring legal representatives of the deceased defendant no.1 on record within period of 14 days.

Date : 02/07/2026
Place: Peth-Vadgaon

sd/-
(R. S. More)
4th Jt. Civil Judge J. D., Peth-Vadgaon