

**MHKO110017592017**



**Final Decree No.4/2017**  
(CNR No.MHKO110017592017)

**Order below Exh.23**

1. The applicant has filed this application for condonation of delay for moving the application under Order 22 Rule 4 of The Code of Civil Procedure for bringing legal heirs of opponent No.4 on record. He submitted that, opponent No.4 - Sou. Nirmala Chandrakant Kamble was expired on 27/06/2020. He further submitted that, as there is national lockdown declared due to COVID-19 pandemic, the applicant is not able to file the application within limitation before the Court. He has not deliberately caused delay. He further submitted that, in the interest of justice, presence of legal representatives of deceased opponent No.4 is necessary. Therefore he prayed to condone the delay in the interest of justice.

2. The say of opponents was called. The Ld. Counsel for the opponent filed his say prayed for heavy costs, if application is allowed.

3. Read application and say. Heard. Perused record. On perusal it reveals that, the applicant has filed main application for final decree as per preliminary decree in R.C.S.No.320/2012. Considering the nature of the matter and so as to resolve the real controversy between the parties, it is necessary to allow the application. There is considerable delay for filing the application, however at the same time reasons for delay are satisfactorily given by the applicant. Therefore there is no hurdle for bringing the legal representatives of the opponent No.4 by condoning the delay. On the other hand opponents needs to be

compensated in terms of costs. Hence I pass the following order.

**ORDER**

- 1) The application is hereby allowed subject to costs of Rs.500/- (Rs.Five Hundred), it be equally paid amongst opponents.
- 2) The delay occurred in bringing the legal heirs of opponent No.4 - Sou. Nirmala Chandrakant Kamble on record is hereby condoned.

Date : 12/02/2022

( J. S. Gaikwad )  
Civil Judge Jr.Dn., Peth-Vadgaon