

MHKO110022412021



Order Below Exh. 41 In
RCS No. 226/2021

Rahul Jaykumar Dhanwade and Ors.
v/s
Ashok Vasant Chougule and Ors.

The present application is filed by the plaintiff for bringing the legal representatives of the deceased plaintiff 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 plaintiff No.2 Helan Vasant Chougule has demised on 18/06/2025. Therefore, the representatives of deceased plaintiff No. 2 ought to be brought on record. However, for work purpose plaintiff is out of city therefore there is a delay of 05 days in preferring the application. The delay is not deliberate. Therefore, they prayed to allow the said application.

04. The advocate for the defendants has strongly objected to the said application. However, they stated that necessary order be passed in the interest of the justice.

05. The present suit is filed for partition and permanent injunction. The plaintiff has filed death certificate of the plaintiff no.2 on record. On perusal of the death certificate at Exh.40, it appears that the plaintiff no.2 has demised on 18/06/2025. 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 of 5 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 plaintiff no.2 on record is hereby condoned .
3.	No order as to costs.

Date : 13/11/2025
Place: Peth-Vadgaon

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