

ORDER BELOW EXH.82.

Perused the applications below Exh.82 and say filed. Heard both sides. There is delay of about 1 year, 4 months and 16 days for taking legal heirs of deceased defendant no.05, on record. The reason assigned for the same is that, the plaintiff no.1 was suffering from diabetes and B.P. and he was under treatment of Dr. Shailesh Mane. Hence, plaintiffs failed to brought the legal heirs on record within stipulated period.

02. Defendants filed their say and contended that, the reasons are not convincing. Moreover, the plaintiff no.1 did not file the medical certificate. Therefore, the applications may be rejected.

03. The reasons cited by the plaintiff is that after the death of defendant no.05, the plaintiff no.1 was suffering from diabetes and B.P. and he was under treatment of Dr. Shailesh Mane. Hence, the plaintiff failed to brought the legal heirs on record within stipulated period. In my opinion, the reasons for the applications are well-founded. Moreover, it is well-settled that liberal view is required to be taken while deciding applications for condoning delay. In the circumstances, the applications below Exh.82, will have to be allowed. Hence, I pass following order,

ORDER

1. Applications below Exh.82 is allowed.
2. Delay caused for taking legal heirs of the defendant no.05 on record is condoned.

Place : Garogti
Date : 28/02/2020.

(A. S. Koshti)
Civil Judge Junior Division, Gargoti.