

MHKO130002252012

RCS NO. 40/2012



Hari Narayan Jadhav

Vs.

Biru Appa Dhone

ORDER BELOW EXH. 60.

1] The plaintiff has filed this application for seeking permission for condoning the delay caused for bringing the legal heirs on record.

2] Perused the application. Heard the learned advocate for the plaintiff. On perusal of record, it appears that the proposed L.Rs. of defendant no.1/B have failed to file say inspite of sufficient time & opportunity has been given to them. Hence, the application is proceeded without say of the proposed L.Rs. On perusal of record, it appears that the legal heirs of the defendant no. 1 was not brought on record within stipulated period. Plaintiff has filed present suit for declaration & perpetual injunction. Considering the reliefs sought and the nature of suit, legal heirs of defendant no. 1 is necessary to be bring on record for proper adjudication and for just decision of the suit. Considering the record, names of legal heirs should be taken on record so as to provide an opportunity during the proceeding as the right to sue is survived. The application has been duly supported by an affidavit. No reason to disbelieve the ground. Matter is more than 12 years old. However, huge delay has been caused by plaintiff. Therefore, application is deserved to be allowed with heavy cost. Hence I proceed to pass the following order:-

ORDER

1. The application is allowed.

2. The delay is condoned subject to costs of Rs. 1000/- [Rs. One Thousand only] which is payable to the Taluka Legal-Aid Services Authority Kagal.

Kagal.
Date:- 13/02/2026

(Pranita S. Patil)
Jt. Civil Judge J.D. Kagal.