

ORDER BELOW EXH.219 IN R.C.S. No.40/1992

Delay of more than 10 years to bring legal heirs of deceased plaintiff No.3 is sought to be condoned in this application. Reasons leading to delay are stated to be ignorance of plaintiff about the legal procedure, illiteracy of plaintiff etc.

02 Heard Ld.Counsel for plaintiff. He submitted that the suit is for declaration of ownership, possession and injunction. Interest of plaintiff No.3 and thereafter his legal heirs is involved in the subject matter. Hence, bringing the Lrs.on record is necessary.

03 The suit being filed for immovable property, it is necessary to have all the parties on record who have an interest involved. Though, the delay is inordinate, it has to be condoned in the interest of justice. However, having regard to the delay of 10 yrs., heavy cost is required to be imposed. Considering the facts and circumstances of this case, delay of more than 10 years stands condoned subject to payment of cost of Rs.2000/- payable to District Legal Services Authority, Kolhapur. Hence, the order;

ORDER

- 1 Application is allowed.
- 2 Delay of 10 years stand condoned subject to payment of cost of Rs.2000/- payable to District Legal Services Authority, Kolhapur.

Panhala.
Date :-12/10/2015.

sd/-
(P.B. Remane)
Civil Judge, Junior Division
Panhala.