

MHKO180002552015

Regular Civil Suit No.88/2015.



Balappa Atmaram Sutar thru. LRs & Ors.

*Versus*

Bandu Gnapati Sutar & Ors.

Order below Exhibit 109.

Plaintiff filed this application for condonation of delay under Section 5 of the Limitation Act, caused in bringing the legal heirs of deceased plaintiff No.6 Damodar Shankar Sutar on record who has died on 08/11/2024. Present application is filed on 18/07/2025.

02. Perused the application and say. Heard both sides.

03. Plaintiff contends that, deceased plaintiff No.6 was conducting this proceeding and his heirs are unaware of this suit. After the demise of plaintiff No.6 his heirs were suffering from trauma, due to which they could not manage to take necessary steps. After recovering from trauma they obtained the death certificate of deceased and met their counsel for the needful in this suit. Suit is for perpetual injunction and right to sue survives. The delay caused is not deliberate. Therefore, it is prayed that the delay caused be condoned.

04. On the contrary, defendants objected this application by filing say. It is submitted that the averments in the application are false. Hence, application be rejected with costs.

05. The application is supported by affidavit of plaintiff. Delay does not appear deliberate. In the interest of justice and proper adjudication of the matter delay needs to be condoned. No prejudice would be caused to defendants. However, inconvenience caused needs to be compensated. In result, the following order is passed:

**ORDER**

1. Application is allowed subject to cost of Rs.500/- (rupees Five hundred only) to be paid to other side.
2. The delay is hereby condoned.

Place: Kurundwad.  
Date : 19/09/2025

( Smt. V. R. Mane )  
Jt. Civil Judge Junior Division, Kurundwad.