



ORDER BELOW EXH. 36

- 1) By virtue of this application, applicants through advocate for plaintiffs prayed to condone the delay of 09 days in substituting them in place of deceased plaintiff no.1. Application is supported by affidavit.
- 2) According to the applicants, plaintiff no.1 expired on 29/09/2021. However, due to Covid-19 pandemic and its restrictions, delay has been caused to take necessary steps in the present case. According to applicants, the delay caused to substitute their names as legal representatives is not intentional. Present suit is for declaration and injunction. Therefore, applicants being the legal representatives of deceased plaintiff no.1 are the necessary parties in the present suit. If applicants are substituted in place of deceased plaintiff no.1, present suit will be decided on merits and there will be no multiplicity of litigation. The cause shown to condone the delay is reasonable. The advocate for the applicants reiterated contents of application at the time of argument. On the above grounds, applicants prayed to condone the said delay.
- 3) Defendants filed say on the overleaf of the present application. Defendants submitted that, application may be allowed subject to heavy cost.
- 4) Perused the application and say. Heard both the sides. Perused the record and proceeding. Applicants are seeking liberty to substitute them in place of deceased plaintiff no.1 being his legal representatives. They have contended that, the delay caused is not intentional. The application is supported by an affidavit. Present Suit is filed for declaration and injunction. Present suit involves valuable property rights and hence the application deserves to be liberally construed. Considering the nature of the suit, I am of the view that, applicants are the necessary party in the present suit. If they are substituted in place of deceased plaintiff

no.1, it will assist the court to decide the preset suit completely, effectively and on merits. On the contrary if applicants are not substituted, their will be multiplicity of litigation. The reason cited by applicants is also reasonable. Thus considering the above reasons, I am of the opinion that application deserves to be allowed. As regards to cost, I am of the view that, considering Covid-19 and its restriction, it will not be proper to impose any cost. Accordingly, I pass following order :-

ORDER

1.	Application is allowed
2.	Delay of 09 days is condoned.
3.	Application is disposed off accordingly.

Radhanagari.
Date: 28/03/2022

(S. K. Shaikh)
Civil Judge Junior Division,
Radhanagari.