



Order Passed below Exh.23 in R.C.S.No.63/2020

This is an application made for condonation of delay in bringing legal representatives of deceased defendant No.1 Vasant Ganapati Hande on record. It is contended that defendant No.1 Vasant Ganapati Hande is died on 27-05-2021. However, as lock down declared in the nation due to Covid-19 disease, the legal representatives of deceased defendant No.1 could not bring on record within limitation. Ultimately, it is prayed that delay of one month may be condoned.

02. Accordingly, notices issued to proposed legal representatives of deceased defendant No.1. They appeared through their advocate and filed say on overleaf of application contending that limitation for bringing legal representatives of deceased defendant No.1 is already over. As such, suit is abated against defendant No.1. The reason mentioned for condonation of delay, is not satisfactory. Therefore, they prayed for rejection of application with costs.

03. Heard both sides. Perused record. It appears that defendant No.1 Vasant Ganapati Hande is died on 27-05-2021. His death certificate is produced on record. The suit is instituted for removal of encroachment, declaration and perpetual injunction. Considering

situation of covid-19 disease, reason mentioned for condonation of delay is just. Hence, considering nature of suit it is necessary to bring legal representatives of deceased defendant No.1 on record. Hence, following order.

Order.

1. Application is allowed.
2. Delay of one month caused in bringing legal representatives of deceased defendant No.1 on record is condoned subject to costs of Rs. 200/- payable to proposed defendants No.1 (A) to (C).

Kale-Kheriwade.
Dated-14-03-2022.

(V.V.Khulape)
Civil Judge Junior Division,
Kale-Kheriwade.