



**Order Passed below Exh.105 in R.C.S.No.188/2017**

01. This is suit for partition and injunction.

02. Present application is made for condonation of delay in bringing legal representatives of deceased defendant No.3 on record. It is contended that the defendant No.3 namely Balwant Dhondi Desai has died on 04-04-2020. However, the plaintiff recently came to know about death of defendant No.3 and she applied for obtaining death certificate. She received death certificate copy on 29-10-2020. Likewise, due to pandemic situation, lock down was declared in whole nation. Therefore, legal representatives of deceased Defendant No.3 could not be brought on record within limitation. Ultimately, it is prayed that delay of 55 days may be condoned.

03. The defendants are filed their say on overleaf of the application and contended that limitation for bringing legal representatives of deceased defendant No.3 is already over. As such, suit is abated against defendant No.3. The reason mentioned for condonation of delay, is not satisfactory. For making present application 55 days delay is caused. Therefore, application of condonation of delay may be rejected. Alternatively, it is prayed that if application is allowed, Rs.3000/- costs may be imposed.

04. Heard both sides. Perused record it appears that Defendant No.3 Balwant Dhondi Desai died on 04-04-2020. His death certificate is produced on record. The suit is instituted for partition. Considering nature of suit i.e. partition it is necessary to bring legal representatives of deceased defendant No.3 on record for just decision of case. Hence, following order.

**Order.**

1. Application is allowed.
2. Delay of 55 days caused in bringing legal representatives of deceased defendant No.3 on record is condoned subject to cost of Rs.250/- payable to the defendants.

Kale-Kheriwade.

Dated-09-06-2022.

(N.K.Nagargoje)

Civil Judge Jr. Dn., Kale-Kheriwade.