

**Order below Exh.49 in RCS No.550/2019**

By this application plaintiffs have requested for condonation of delay in bringing the legal heirs of deceased defendant No.2 on record and granting permission to bring them on record, on the grounds mentioned in the application. Defendant Nos.3,5 and 6 have filed their say and raised objections. The legal heirs of deceased defendant No.2 failed to appear though served with notice. From the death certificate of defendant No.2, filed by plaintiffs at list below Exh.51/2, it appears that he died on 19/09/2021. However, in the application it is stated as 24/10/2022. In fact, there is a delay of more than one year but due to Covid-19 pandemic the period of limitation came to be exempted by the Hon'ble Apex Court. Still, there is delay of more than 6 months in bringing the legal heirs of deceased defendant No.2 on record. This delay can be condoned by imposing cost upon plaintiffs. Considering the nature of suit and reliefs claimed, it is necessary to bring the legal heirs of deceased defendant No.2 on record. Hence, I pass following order:-

**ORDER**

1. The delay caused in bringing the legal heirs of deceased defendant No.2 is hereby condoned subject to cost of Rs.500/- to be payable by plaintiffs to defendant Nos.3,5 and 6 on or before next date.
2. After payment of cost amount, plaintiffs are hereby permitted to bring the legal heirs of deceased defendant No.2 on record by carrying out necessary amendment in title clause of the plaint.
3. Plaintiffs shall provide copy of amended plaint to the Court and for contesting defendants at the earliest.
4. Suit summons be issued to legal heirs of deceased defendant No.2, once they are added in the title clause of the plaint.
5. No order as to costs.

Date :20/06/2024

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.