

Order below Exh.20 in RCS No.128/2020

By this application plaintiff No.1 has requested for condoning the delay of 11 Months and 15 days caused by him for bringing the legal heirs of plaintiff No.2 on record, on the grounds stated in the application. Defendant No.3 failed to file his say. The suit is proceeding ex-parte against rest of the defendants. Perused application. Heard learned advocate Shri.M.R.Jagtap for plaintiff No.1, who requested to allow the application.

2. Record shows that plaintiffs have filed this suit for perpetual injunction and demarcation of boundaries. From the contents of application, it appears that plaintiff No.2 died on 15/09/2023. Plaintiff No.1 has filed photo-copy of death certificate of plaintiff No.2 on record. This application is filed by plaintiff No.1 on 31/08/2024 i.e. approximately after more than 11 months. Be that as it may. Considering the nature of suit and grounds mentioned in the application, in my opinion, it is desirable that the delay caused in bringing the legal heirs of plaintiff No.2 be condoned. However, while doing so, the delay of more than 11 months caused cannot be overlooked and it is necessary to impose penalty upon plaintiff No.1. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. The delay caused by plaintiff No.1 is hereby condoned subject to penalty of Rs.1200/- to be deposited by him with Legal Aid Office, Nilanga on next date or on any other date as extended by the Court.
3. After depositing the penalty amount, necessary order will be passed on the application at **Exh.22**.

Date : 11/10/2024

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