



ORDER BELOW EXH.70 IN RCS NO.175/2013

Nilawati Vs. Vishwanath & Ors.

- 1] The plaintiff has moved this application for condoning the delay caused in taking legal heirs on record of the deceased defendant no.1. The application is supported by affidavit.
- 2] The defendants have scribed their say overleaf the application and prayed to reject the application.
- 3] Heard the Ld. Advocates for both the parties.
- 4] Perused the application and affidavit in support. The plaintiff has stated that he has not received death and heirship certificate from competent authority within time delay was caused for moving this application. It appears that plaintiff is having sufficient cause which prevented him from moving this application within limitation. Therefore, delay needs to be condoned and legal representatives of the defendant no.1 is required to be brought on record for complete adjudication of the suit. But at the same time it is necessary that plaintiff compensate for causing delay. Hence, in the interest of justice I pass following order:-

ORDER

- 1] Application at Exh.70 is allowed.
- 2] Delay in filing this application for bringing legal heirs of defendant no.1 on record is condoned subject to costs of Rs.500/- paid to other side.

(R. D. Kharate)

Date: 22/11/2024

Jt. Civil Judge J. D., Nilanga