

COMMON ORDER BELOW EXH. 41 & 42.

These applications are filed by the plaintiff to condone the delay and Lrs. of defendant no.3 be taken on record.

2. The plaintiff has contended that, the defendant no.3 Vishwambhar Nagnath Morge is died on 18.12.2016. The legal representative of defendant no.3 ought to have brought on record on or before 18.03.2017, but the death certificate of deceased is not available from the concerned Grampanchayat and plaintiff was busy in his agricultural work, therefore the delay is caused. Thus, the plaintiff prayed to allow the application.

3. The learned advocate for the defendants has filed say and opposed the application and contended that, to imposed maximum cost.

4. Perused the application, say and perused the record. The plaintiff has filed death certificate of deceased defendant no.3 of Grampanchayat Mandurki Tq. Chakur. It appears that the defendant no.3 Vishwambhar Nagnath Morge is died on 18.12.2016 and the legal representative of deceased ought to have brought on record within 90 days, but the plaintiff has not within limitation brought the Lrs. of deceased. It further appears that the matter is in respect of valuable property, therefore to decide the suit on merit the Lrs. of defendant no.3 is required to be brought on record. Moreover, the plaintiff has caused delay to brought the Lrs. of deceased within limitation, therefore cost is required to be imposed on plaintiff. Considering the application and reason mentioned in the application, the application deserves to be allowed. Hence, I proceed to pass following order.

: Order :

1. The application exh. 41 & 42 is allowed.

2. The delay caused to bring the Lrs. of deceased defendant no.3 is condoned subject to cost of Rs. 500/- payable to defendants.
3. The plaintiff is directed to carry out necessary amendment in plaint within statutory period.

Place : Chakur.
Date : 17.03.2018.

[**Gajanan B. Jankar**]
Jt. Civil Judge, J.D., Chakur.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. File Order are same, word to word, as per the original Order.

Name of the Stenographer	:-	Pathan M.B.
Name of the Court	:-	Civil Judge, J.D., Chakur.
Date of Order	:-	17/03/2018
Order signed by the Presiding Officer on	:-	17/03/2018
Order uploaded on	:-	17/03/2018