

ORDER BELOW EXH. 58.

This is an application is filed by the plaintiffs to condone the delay for bringing the Lrs. of defendant no.1 on record.

2. The plaintiffs have contended that, he has got knowledge of the death of defendant no.1 on 21.02.2017 when defendant filed pursis. The plaintiffs have not taken the legal representative of deceased defendant no.1 within limitation due to his illness and getting proper address of legal representative Dhondubai, therefore the delay of 4 months and 8 days caused. They further contended that the matter is in respect of valuable property, therefore without taking the legal representative of defendant no.1 on record the matter would not adjudicate properly. Thus they prayed to allow the application.

2. The learned advocate for defendant submitted his say and opposed the application. He submitted that the reason shown in the application is false and baseless, the legal representative of deceased defendant no.1 is the father's sister of plaintiff, so there is no question arose for the proper address. Thus, he prayed to reject the application.

3. Perused the record. Heard both side. It appears from the record that defendant no.1 is died on 21.01.2017, the plaintiff has not brought on record the legal representative of deceased within statutory period. However, the matter is in respect of valuable property and for the proper adjudication of the matter, the legal representative of this defendant no.1 required to be brought on record. Moreover, the plaintiff has caused delay to bringing the Lr.s of deceased within statutory, therefore cost is required to be imposed on them. Hence, I proceed to pass the following order.

: Order :

The application is allowed, the delay caused for bringing the Lr.s of defendant no.1 is condoned subject to cost of Rs.300/- payable to the defendants.

Place : Chakur.
Date : 11.01.2018.

[**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	:-	11/01/2018
Order signed by the Presiding Officer on	:-	11/01/2018
Order uploaded on	:-	11/01/2018