

MHLA160009992015



R.C.S. No.72/2016
Balaji & Ors. Vs. Ram

COMMON ORDER BELOW EXHS.58 & 59.

These are applications for restoration of orders dated 14/08/2025 bellow applications Exhs.39, 41 to 43 and permission to comply the same.

2. Heard learned Advocate Shri. B.V. Patil for plaintiffs and learned Advocate Shri. M.B. Patil for legal heirs of defendant at length.

3. I have carefully gone through the record and argument. This is suit for declarations of ownership. The applications Exhs.39, 41 to 43 were allowed on 14/08/2025 and the plaintiff directed to comply the order till next date. But plaintiff failed to comply that order on 12/09/2025. Therefore, that orders automatically cancelled.

4. The reason of poverty is not satisfactory for non compliance of orders. This is fit case to impose cost for default. Considering nature of suit and need of presence of all parties, there is need to grant an opportunity to correct the suit and bring legal heirs on record. In that event, nobody will face loss. On the contrary, it may help to decide right and liabilities of parties. If an opportunity is refused, there is a chance of miscarriage of justice. Hence, application is deserved to be allowed subject to cost of Rs.500/-, in addition of cost below application Exhs.39, 41 to 43 . In the result, I pass following

order.

ORDER

1. The applications are allowed and orders below applications Exhs.39, 41 to 43 are restored subject to cost of Rs.500/- in the interest of justice.
2. The cost below applications Exhs.39, 41 to 43, 58 and 59 shall pay to the contesting legal heirs and comply the orders forthwith in the interest of justice.
3. An order dictated on computer and pronounced in open court.

Date : 13/10/2025.
Place :Deoni.

(S.A. Surjuse)
Civil Judge Junior Division,
Deoni, Dist. Latur.