

ORDER BELOW EXH.77 IN R.C.S. NO.472/2023
Vijay Adsule and and others Vs. State and others.
CNR NO.MHLA170010412023.

Plaintiffs have filed application for condonation of delay to bring legal heirs of deceased plaintiff No. 10 on record. It is submitted by plaintiffs that, plaintiff No. 10 namely Dilip Prabhu Shikhre died on 18/09/2023. Therefore, it is necessary to bring the legal heirs of deceased plaintiff No. 10 on record. However, plaintiffs could not gather information of legal heirs of plaintiff No.10 within stipulated time and they could not obtained death certificate of defendant No. 10 within time. Hence, delay of 1 year 8 months has been caused to bring legal heirs of deceased plaintiff No. 10 on record. Hence, it is prayed by plaintiffs that, their application be allowed.

2. Perused the say of defendant Nos. 6 and 7. They submit that, reasons assigned by plaintiffs for the delay of 1 year 8 month bring legal heirs of deceased plaintiff No. 10 on record are not proper. The application is not tenable in the eyes of law. If the application is allowed, then heavy cost of Rs. 5,000/- be imposed upon plaintiffs.

3. Defendant Nos. 1 to 5 failed to file their say. Hence, "No say" order passed against them.

4. Heard learned counsel for both the parties. Perused the record. Considering reasons assigned in the application, it is necessary to condone delay of 1 year 8 months to bring the legal heirs of deceased plaintiff No. 10 on the record for the just decision of the suit. Hence, the application is liable to be allowed. Considering period of delay it is necessary to impose cost upon plaintiffs. Hence, I pass following order:-

ORDER

1. The application is allowed.
2. Delay of 1 year 8 months to bring legal heirs of deceased plaintiff No. 10 on record is hereby condoned subject to cost of Rs. 1000/-.
3. Cost amount handed over to defendants.

Date :- 14/10/2025.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.