

ORDER BELOW EXH. NO.19 IN LAR NO.190/2018

(State Vs. Chandrashekhar and others.

(Passed on this *7th Day of March, 2025*)

CNRNO.MHLA170026322023

The wife of deceased respondent No.5 (Annasaheb Deshmukh) has filed application submitting that, during the pendency of petition respondent No.5 Annasaheb Sitaram Deshmukh died issueless on 14.10.2023 at AUSA due to old age. It was necessary to file application to bring his legal heirs on record within 90 days. However, the applicant was not knowing about the proceeding referred by SDO AUSA/Renapur at Latur. Therefore, application to bring legal heirs on record is not filed in this petition. She got the knowledge on 29.02.2024 from others that, the matter is transferred from Latur Court to AUSA Court. Delay of 49 days has been caused to file this application for bringing the legal heirs on record within stipulated period from the date of death of Annasaheb Deshmekh. The applicant has not purposefully avoided to bring the legal heirs of Annasaheb Deshmukh on record. Hence, it prayed by the applicant that delay of 49 days caused to bring the legal heirs on record of Annasaheb Deshmukh may be condoned.

2. Perused the say (Exh.26) of respondent Chandrashekhar. He has objected the application on the grounds that, infact delay of 51 days has caused to file application to bring legal heirs on record. He has denied all the contents of the application. He further submitted that, there is gross negligence on the part of respondent. She failed to exercise due diligence. The ground of lack of knowledge is not true. Hence, the application is not tenable in the eyes of law.

Therefore, respondent Chandrashekhar prayed to reject the application.

3. Heard learned counsels for both the parties. Perused the record. It is necessary to bring the legal heirs of deceased Annasaheb Deshmukh on record who was the husband of applicant namely Sojarbai Annasaheb Deshmukh. It is the admitted fact that, Annasaheb Deshmukh died on 14.10.2023 and application is filed on 05.03.2024. There is delay of 51 days to file the application to bring the legal heirs of deceased Annasaheb Deshmukh on record. The contention of applicant shows that, she is the only legal heir of Annasaheb Deshmukh as there is no children begotton to Sojarbai (applicant) from the marital tie between Annasaheb Deshmukh and herself. Thus, considering these facts brought on record the delay caused to file application for bringing legal heirs of deceased Annasaheb Deshmukh on record needs to be condoned for just decision of the suit. Hence, I pass following order:-

ORDER

1. The application is allowed.
2. Delay of 51 days to caused to file application for bringing legal heirs of deceased Annasaheb Deshmukh on record is condoned.
3. No order as to costs.

Date : 07.03.2025.
Place : Ausa.

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