

**COMMON ORDER PASSED BELOW EXH. 53 AND 56**

(Passed On: 19.04.2023)

The applicants have filed these application for condonation of delay in bringing legal representatives and also application for bring legal representatives of the deceased plaintiff Singa Kela Pawara on record. All the applications are supported by affidavits.

2. Applicants have contended that, the deceased Singa Kela Pawara is died on 27.07.2022 and applicants are legal heirs of the deceased plaintiff. Thereafter, the information as to the death of plaintiff could not be given in the Court.

3. Therefore, there is a delay in filing application for bringing legal heirs on record. The reason mentioned by the applicant are true and genuine. The said delay is not intensional. The legal representative of the deceased plaintiff is required to the taken on record in the interest of justice. Therefore, prayed that the said delay should be condoned and to bring the legal representative of the deceased plaintiff to be taken on record. The applications are supported by an affidavits.

4. The say of the other side was called. The other side has objected these application on the ground that, the application is not within limitation and the plaintiff was given sufficient time for bringing legal heirs on record.

5. Perused the applications and say thereto. Perused the record and proceeding. Heard both the side at length. From the record it is seen that the plaintiff has filed present suit for partition, injunction and possession. The



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matter is regarding the agricultural lands. However, where there is dispute in respect of agricultural land then right to sue survives always.

6. Considering the reasons cited in the application and considering the prayers in the suit, the suit is for partition, injunction and possession in respect of the suit property, therefore being the legal heirs of the deceased the right to sue survives against the defendants. Even though there is delay in filling the present application the legal representatives of the plaintiff are required to be taken on record for the purpose of effectively and completely adjudicate the matter. The applicants have contended that there are no other legal representatives of the plaintiff except named in the application. Hence, right to sue survives and applications are supported with affidavits and death certificate of Singa Kela Pawara. Therefore in the light of the above reasoning and in the interest of justice, I proceed to pass the following order.

**ORDER**

1. The applications are allowed.
2. The delay is condone and the plaintiff is permitted to bring legal representative of deceased the plaintiff namely Singa Kela Pawara on record as per law.
3. Necessary amendment in the plaint be carried out within next date from the date of this order.

Dhadgaon  
Date:- 19.04.2023

**(Dipak G. Kankhare)**  
Civil Judge Jr. Div., Dhadgaon.



**CERTIFICATE**

I, affirm that the contents of this PDF file are word to word as per Original Order.

Name of the Stenographer :- Rajesh R. Nikam

Name of the Court :- Civil Judge J.D. & J. M. F.C.,  
Dhadgaon

Order Signed by  
Presiding Officer on: :- 19.04.2023

PDF Uploading Date :- 19.04.2023