

ORDER BELOW EXH. 63.

(Date: 22-01-2021)

The present suit is filed by Plaintiff for Declaration of Ownership and Possession with Permanent Injunction against the defendants. This is an application moved by the Ld. Counsel of the Plaintiff for condoning delay caused in bringing legal heirs of deceased Plaintiff namely, Shridhar S/o. Ganpatrao Mane, on record. Plaintiff namely, Shridhar S/o. Ganpatrao mane died on 25/05/2020 at village Waipana(Kd.) Tq. Hadgaon Dist. Nanded. This application of delay condonation has been filed on 07/08/2021. There appears to be the delay of about 289 days to file the application for bringing legal heirs of deceased Plaintiff on record. Perused the application it appears that, the Plaintiff died on 25-05-2020. Further, due to Covid-19 Pandemic Plaintiff & his Ld. Counsel fails to present before the court and move an application of delay condonation. Therefore, he moved the present application. The application has been duly supported by an affidavit.

2. The limitation for bringing legal heirs on record runs from the death of the party. The present suit is filed for Declaration of Ownership and Possession with Permanent Injunction against the Defendants. Valuable rights appear to have been involved in this suit. In such circumstances, the court should see that substantial justice is being done and procedural bottlenecks should not come in the way of substantial justice. Hence, for the greater ends of justice, I think that the delay caused for bringing legal heirs on record should be condoned. Hence, following order :

ORDER

1. The present application (**Ehx.63**) is hereby allowed.
2. The delay of 289 days caused for making the application to bring legal heirs of Plaintiff namely, **Shridhar S/o. Ganpatrao Mane** is condoned subject to cost of Rs.500/- (Rs. Five Hundred only) to be paid to the State.
3. The plaintiff is hereby directed to bring legal heirs on record on or before next fixed date.
4. Copy of Amended plaint be filed on record & same be provided to the defendant also.

Date:27.08.2021

Sd/-
[Smt.S.G. Pande/Yawalkar]
Jt. Civil Judge Junior Division,
Hadgaon.

प्रमाणपत्र

मी अशी खात्री देतो की, सदर पी.डी.एफ. फाईलमधील मजकुर मुळ न्यायानिर्णयाप्रमाणे / आदेशाप्रमाणे प्रत्येक शब्द बरोबर आहेत.

लिपिकाचे नाव - श्री. गायकवाड.

न्यायालयाचे नाव - सह दिवाणी न्यायाधीश क.स्तर व न्यायदंडाधिकारी वर्ग १, हदगांव.

आदेश दिनांक	: २७/०८/२०२१.
पिठासीन अधिका-यानी स्वाक्षरी केलेली तारीख	: २७/०८/२०२१.
आदेश/ न्यायनिर्णय अपलोड केलेली तारीख	: २७/०८/२०२१.