

**Reg.C.S. No.61/2011
Lalit .vrs. Natwarlal**

COMMON ORDER BELOW EXH.92 & EXH.93

(Passed on 11th November, 2020)

1] Plaintiff filed application for condonation of delay for bringing legal heirs of defendant No.1 on record and other application for grant of permission to bring legal heirs of defendant No.1 on record. He submitted that during the pendency of suit, defendant No.1 expired on 24.06.2018. Plaintiff was not aware of the provision of law that legal representative of deceased defendant is require to be brought on record within 90 days. Therefore, delay of three months is caused. That delay is not deliberate one. Hence, delay may be condoned. If application is allowed, no prejudice will cause to defendant and help proper adjudication of the matter.

2] Say was called but defendant failed to file say. This is a civil litigation, so liberal approach require to be kept while allowing the application for condonation of delay. I do not seem that delay is deliberate, hence, I am of view that those applications are require to be allowed, so that legal heirs may contest the suit on merit. Hence, I pass following Order :-

ORDER

- 1) Applications are allowed.
- 2) Delay of three months is hereby condoned.
- 3) Plaintiff is permitted to bring legal heirs on record.
- 4) Plaintiff is directed to add legal representative of defendant No.1 on record and made amendment in the plaint within 14 days.

Umrer.

Dt. 11/11/2020