

COMMON ORDER BELOW EXH.32 To 34
(Order passed on 28th day of August, 2019)

[01] The applications are for condonation of delay, setting aside abatement and permission to bring the LR's on record. Perused applications, defendants and the proposed LR's despite of knowledge failed to submit their say and hence, applications are proceed without say from other side. Heard.

[02] As per report below summons Exh.21 the defendant no.10 Kawadu S/o. Laxmanji Raut is seems to be died on 31.03.2017. The death of defendant no.10 is seems to be known to the plaintiff on 24.07.2017. Admittedly thereafter the matter has been transferred from C.J.S.D. Court Nagpur to this newly created C.J.S.D. Court Umred. It has been contended that deceased Kawadu died leaving behind in all three legal-heirs. It is averred that as plaintiff failed to provide necessary information to the counsel and thereby the delay has been caused for bringing LR's on record. The suit is for specific performance of contract. The valuable rights of proposed parties are seems to be involved in the suit. The presence of proposed LR's is seems to be necessary for deciding the suit on merit. No doubt there is delay in brining LR's on record. However, mere delay is not the ground for rejecting the application. So far as delay is concern, the costs be saddled on plaintiff. Hence, in the interest of justice and in view of reasons given supra I proceed to pass the following order.

ORDER

- [01] Applications (Exh.32 to 34) are hereby allowed subject to costs of Rs.500/- payable to the account of D.L.S.A. Nagpur.
- [02] On payment of costs plaintiff to bring the LR's of defendant no.10 on record and to supply the copy of amended plaint for court record as well as for defendants.

Umrer.
Date : 28/08/2019

(S. K. Fokmare)
Civil Judge Senior Division, Umrer.

Certificate

"I affirm that the contents of this P.D.F. file order are word to word same as per original order".

Name of Stenographer : **Mr. Mahendranath D. Nagpure.**
Stenographer (Grade III)

Court Name : Civil Judge Senior Division, Umrer

Order signed on : 28/08/2019

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