

COMMON ORDER BELOW EXH19 and 20

(Order passed as on 04th day of March, 2020)

[01] The applications are for condonation of delay and for permission to bring the LR's on record. Perused applications and say given by other side. Heard.

[02] According to the applicant the original petitioner namely Nilkantha Natthu Wankhede died on 28.05.2010. Applicants are his legal-heirs. It is averred that the deceased Nilkantha Natthu Wankhede was looking after the court proceeding. The applicants were not in contact with the counsel. As soon as they came to know about pending reference, they approached the counsel for bringing their names on record. The right to sue survives and the LR's want to proceed with the matter. The delay about making these applications is not deliberate as well as intentional one. Thus, applicants prayed for allowing applications.

[03] On the other hand the respondents vide their say overleaf have opposed the applications. It has been averred that the reasons stated by applicants is not genuine as well as probable one. Thus, respondents submitted for rejection of application.

[04] As mentioned in the applications, applicants claimed that the original petitioner Nilkantha Natthu Wankhede died leaving behind in all six legal-heirs. There is nothing on record to disbelieve the said statement made by the applicant. As per death certificate supplied on

record the original petitioner died on 28.05.2010. No doubt the applicants were duty bound to approach before the court for bringing their names on record within stipulated time after the death of original petitioner. However, the applicants submits that they were not in contact with their counsel and hence couldn't approach the court within time. Moreover, the matter relates to land acquisition proceeding. The land has been acquired under compulsory acquisition. The valuable rights of the applicants are seen to be involved in the matter. Thus, the opportunity to participate in the litigation needs to be given to the applicants. Applicants by way of this application prayed for condonation of delay and to bring their names on record. Hence, in the interest of justice and in view of the reason given supra I proceed to pass the following order.

ORDER

- [01] Application (Exh.18 and 19) are hereby allowed subject to costs of Rs.1,000/- (Rs.One Thousand Only) payable to the account of D.L.S.A. Nagpur.
- [02] After depositing the costs the delay shall stand condoned as prayed.
- [03] On depositing the costs applicants be permitted to bring their name on record as prayed.
- [04] Applicants to carry out necessary amendment and to supply the copy of amended plaint for court record as well as for respondents.

Umrer.
Date : 04/03/2020

(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 : 04/03/2020

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LR'S ON RECORD/