



CNR No.-MHNG100019292018

L.A.C. No.148/2018

Arvind Vs. State+2

COMMON ORDER BELOW EXH. 08 & 09

(Order passed as on 01st day of January, 2021)

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

[02] According to the applicants the original petitioner Arvind S/o. Manik Mankar died on 03.05.2014. Applicants no.1 to 3 are his legal-heirs. It is averred that the deceased Arvind S/o. Manik Mankar had instituted the reference and he was looking after the proceeding. The applicants were not in contact with the counsel. As soon as the applicants came to know about pendency of reference, they immediately made a contact to the counsel and have taken necessary steps for brining their names as LR's on record. It is averred that 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 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 applications.

[04] As mentioned in the applications, applicants claimed that they are the legal-heirs of original petitioner Arvind S/o. Manik Mankar. There is nothing on record to disbelieve the said statement made by the applicants. As per death certificate supplied on record the original petitioner died on 03.05.2014. No doubt the applicants were duty bound to bring their names on record within stipulated time after the

death of original petitioner. However, the applicants submitted that as they were not in contact with the counsel and hence couldn't approach in the matter within time. Moreover, even though the reference is of the year 2005, however same are seems to be referred to the court on 11.10.2018. Likewise, 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.08 & 09) are hereby allowed.
- [02] The delay shall stand condoned and the applicants are permitted to bring their names on record as prayed.
- [03] Applicants to carry out necessary amendment and to supply the copy of amended petition for court record as well as for respondents.

Umrer.
Date : 01/01/2021

(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 : 01/01/2021

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RECORD/