



COMMON ORDER BELOW EXH. 8 to 10

(Order passed as on 21st day of November, 2019)

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

[02] According to applicant the original petitioner Ratiram S/o. Mahadeo Dhone died on 30.05.2008. Applicant along with two others are his legal-heirs. It is averred that the deceased Ratiram S/o. Mahadeo Dhone was looking after the court proceeding. The applicant and other LR's were not aware about the reference case which is pending before this court. They came to know about the proceeding from other villagers of Mokhebardi. It is averred that the right to sue survives and the LR's want to proceed with the matter. It is averred that the delay about making these applications is not deliberate as well as intentional one. Thus, applicant prayed for allowing applications.

[03] On the other hand the respondent No.2 and 3 vide their say overleaf have opposed the applications. It has been averred that the reasons stated by applicant is not genuine as well as probable one. Thus, respondents submitted for rejection of applications.

[04] As mentioned in the applications, applicant claimed that he along with two other is the legal-heir of original petitioner Ratiram S/o. Mahadeo Dhone. 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 30.05.2008. No doubt the LR's were duty bound to approach before the court for bringing their names on record within stipulated time after the death of original petitioner. However, admittedly the reference is seems to be referred by L.A.O. it self in the year 2018. Moreover the LR's submitted that they were not aware about the reference case pending before this court 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 LR's are seen to be involved in the matter. Thus, the opportunity to participate in the litigation needs to be given to the LR's. Applicant by way of this application prayed for condonation of delay, seating aside abatement and to bring the LR's 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.8 to 10) are hereby allowed subject to costs of Rs.500/- (Rs. Five Hundred 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 applicant be permitted to bring the LR's on record as prayed.

[04] Applicant to carry out necessary amendment and to supply the copy of amended plaint for court record as well as for respondents.

Umrer.
Date : 21/11/2019.

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