

**ORDER BELOW EXH. 17**

1. This is an application filed by plaintiff for condonation of delay. Defendant has contested the claim by filing his say below the same application.
2. Heard learned advocates for the both parties. Perused record and say of defendant.
3. Learned advocate for plaintiff has submitted that plaintiff has filed present suit for declaration, partition and separate possession. During the pendency of suit defendant No. 2 died on 02-04-2021. It is necessary to bring his legal representative on record. But due to Covid 19 pandemic they were not taken on record. Plaintiff has obtained death certificate on 02-08-2021. There is delay in filing application for bringing legal representative of defendant No.2 on record. Hence, delay be condone. Therefore, application be allowed.
4. Ld. Adv. For defendant has submitted that no proper ground mentioned for delay. Hence, this application be rejected.
5. After considering the submissions of both the parties and on perusal of record it appears that the plaintiff has filed present suit for declaration, partition and separate possession. The defendant No. 2 died during lock down of pandemic Covid 19. Therefore, plaintiff could not file application for bringing legal heirs of decease defendant No. 2 on record.
6. As per provision of Limitation Act legal representatives of decease has to be bring on record within 90 days from the date of death. If party failed to bring then suit is abated hence, it has to file application within 60 days for setting side abatement. There is delay for which this application for condonation of delay is filed. The applicant has shown

sufficient reason for delay in filing this application. Considering the reason in the interest of justice I, proceed to pass following order :

**ORDER**

1. The application is allowed.
2. No order as to costs.

Dated 27/10/2021  
Place Ramtek

**(V. P. Dhurve)**  
Civil Judge, Jr. Dn. Ramtek.