

MHNG180006502019



**Regular Civil Suit No. 40/2019
Rama Vs. Chandraprabha & Ors.**

**ORDER BELOW EXH. No.19
(Passed on 19th December, 2022)**

This is an application filed by applicant/defendant No. 2 for condonation of delay in bringing Legal Representative of the deceased defendant No. 1 on record. Defendants have filed written statement with counter claim. Say of other side has been called. Perused the application and say there on. Heard learned counsels for both parties.

2 It is contention of the applicant / defendant No. 2 that, defendant No.1 died on 23.04.2021. Considering date of her death it clears that due to Covid-19 pandemic and lock down the plaintiff/ defendant No.2 could not move the application for bringing the LR's on record and delay has been cause.

3. It appears from the record that the plaintiff/ defendant No. 2 has filed this application on 02.08.2022. Considering above legal position it clears that the defendant No. 2 has filed this application after one year. Therefore, there is necessity to condone delay and bringing LR's on record. Therefore, considering right of the party of fair opportunity, it is necessary to give permission to the defendant No. 2 for bringing LR's of defendant No.1 on record. Hence, I have passed following order:

ORDER

1. The application is allowed.
2. Delay to file application to bring LR's. of deceased defendant No.1 on record is hereby condoned.
3. Legal representative of defendant No. 1 is hereby bring on record.
4. The Ld. Counsel for the plaintiff/ defendant No. 2 shall make amendment in title clause of his Counter claim, accordingly within 14 days.
5. Parties to bear their own costs.

Dated : 19/12/2022
Place : Kalmeshwar.

(Smt. J.D.Hushangabade)
Civil Judge (Jr. Dn.),
Kalmeshwar.