

MHNG180009822015



ORDER BELOW EXH. 87
(Passed on this 1st January, 2026)

1. Present application is filed by the plaintiff to condone delay caused to bring LR's of deceased defendant no. 2 on record.
2. It is contended in the applications that, defendant no. 2 died on 19.08.2023. The sons and wife are not on record along with defendant no. 2. As required under Order XXII Rule 10-A, defendants have not informed the Court about the death of defendant no. 2. As well as, the plaintiff had no knowledge about death of defendant no. 2 on 19.08.2023. That on 06.07.2024 plaintiff got knowledge about death of defendant no.2, he collected information and filed the application before the Court. Plaintiff was not aware about the death and defendant did not inform the Court about the death of defendant no.2. Hence, delay has been caused to filed application. The suit is for partition, hence L.R's of defendant no.2 are liable to be brought on record. Hence, this application.
3. Say of defendant was called out. Defendant filed say on overleaf of application and opposed the application on the ground that plaintiff is well aware about the death of defendant no.2 but failed to file application for bringing legal heir on records. The reason stated by plaintiff is not bonafide. The delay is not mentioned in application. Hence, application be rejected.
4. Perused the record. Considered submissions of both sides. It is necessary to mention here that, in the facts of the present case,

liberal approach on the application of condonation of delay needs to be taken. While dealing with such application, the length of delay is not important but sufficient cause is the only criteria which need to be considered. In the present case, there is delay in filling the application. But plaintiff has shown sufficient cause which prevented him from making present application. Moreover, the present application is supported by affidavit. Considering nature of the suit right to sue survives. Grounds mentioned for the condonation of the delay in Exh.87 appears to be reasonable and proper. Hence, I pass following order :-

ORDER

1. Application Exh. 87 is allowed.
2. Delay in bringing L.R.'s of deceased defendant no.2 is hereby condoned.
3. No order as to costs.

Sd/-

Kalmeshwar.
Date: 01.01.2026.

(S.B. Mandwe)
Jt. Civil Judge Junior Division,
Kalmeshwar, Dist. Nagpur.

C E R T I F I C A T E

I affirm that the contents of the this PDF file order are same word to word,
as per the original Order.

Name of the Stenographer :- R.M. Parmal (Lr. Gd)