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R.C.S. NO. 57/2021
Waman & One Vs. Ajay & Others

MHNG180012992021

R.C.S. No. 57/2021



ORDER BELOW EXH. 20
(Passed on this 29th January, 2026)

1. Present application is filed by the plaintiff to condone delay caused to bring L.R.'s of deceased defendant No.1 on record.

2. It is contended in the applications that, the defendant No.1. namely Ajay died on 04/07/2025 leaving behind him his LR's widow Smt. Yogita and daughter Ku. Aradhya minor and son Vihans aged about 04 months. Therefore, the right to sue survives with the LR's. That the names of legal heirs could not be brought on record within 90-days and delay of 12 days is caused. That the plaintiff could not search the LR's of deceased defendant within 90 days. Hence, prayed for allow the application.

3. Say of defendants was called out. Defendant Nos.1 to 7 filed their say on overleaf of application and opposed the application on the ground that the plaintiff has failed to explain the delay satisfactorily. The reasons stated are vague, general and unsupported by any documentary

evidence. That, delay is neither bonafide nor unavoidable, but is mentioned and due to negligence, mere filing of an application does not entitle the applicant to automatically condonation of delay. It is well settled that delay cannot be condoned in absence of sufficient cause to the present case, no such sufficient cause is shown. The application is not maintainable and deserves to be rejected. Hence, prayed for dismissal of application with costs.

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 of 12 days 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.20 appears to be reasonable. Hence, I pass following order :-

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ORDER

1. Application Exh.20 is allowed.
2. Delay in bringing L.R.'s of deceased defendant No.1 is hereby condoned.
3. No order as to costs.

Kalmeshwar.
Date: 29/01/2026.

Sd/-
(S.B. Mandwe)
Jt. Civil Judge Junior Division,
Kalmeshwar.

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CERTIFICATE

I affirm that the contents of this P.D.F. File
Judgment are same word to word as per original Judgment.

Name of Stenographer : *Shri. Ashish K. Wasnik (Grade-III)*
Date of PDF : 29/01/2026.
Judgment Signed by
Presiding Officer on : 29/01/2026.
Judgment uploaded on : 29/01/2026.