



Mesne Profit/1/2022

Kamalabai Vishwnath Pawar Vs. Balu Shankar Pawar other 1
ORDER BELOW EXH. 15.

1. This is an application preferred by applicant for condoning the delay caused for bringing legal heirs of deceased original **applicant Kamalabai Vishwnath Pawar** on record.

2. As per contentions of the applicant that, original **applicant Kamalabai Vishwnath Pawar has died on 07/05/2024.** applicant Advocate submitted that applicant ought to have filed an application for bringing legal representatives of deceased on record within 90 days from the date of death of **applicant Kamalabai Vishwnath Pawar.** But, due to lack of knowledge and due to applicant being layman and illiterate could not file said application within time, hence, present application is filed on record. applicant Advocate submitted that applicant has sufficient and reasonable cause for not filing the application within specified time and accordingly prayed to allow the instant application.

3. Learned counsel for non-applicant vehemently opposed the instant application and submitted that the instant application at this stage is not maintainable. Learned counsel for non-applicant submitted in consonance to his reply and further submitted that there is a delay in preferring present application and the explanation tendered by applicant does not appear to be probable and convincing. Learned counsel for non-applicant submitted that application is bogus, vexatious and time barred and prayed to outrightly reject it with heavy cost.

4. Perused the application and reply. Heard learned counsel for non-applicants and applicants. The applicant is seeking to condone the delay caused for making an application for bringing the legal representatives of deceased **applicant Kamalabai Vishwnath Pawar** on record. The present application is supported by an affidavit stating the genuine reasons for not preferring an application for bringing the legal representatives of deceased on record. The applicant had sufficient cause which prevented them from making said application. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit and for the fair adjudication of trial, it is necessary to allow the application. Thus, it is therefore necessary in the interest of justice to allow the application as applicant has shown sufficient cause for not preferring application within specified time. Hence, On going through the instant application and in the light of pleadings of both parties and arguments canvassed before me, this court is satisfied that it is necessary to condone the delay caused for preferring an application for bringing the legal representatives of deceased on record. It is pertinent to state that no prejudice would be caused to non-applicant if he is compensated by way of costs. In the result, I am inclined to pass following order.

:: ORDER ::

- 1] Application is hereby allowed subject to cost of Rs. 500/- to be given to non-applicant.
- 2] Delay caused for bringing L.R's of deceased **applicant Kamalabai Vishwnath Pawar** is hereby condoned.

Date : 30.07.2025.
Place : Chandwad.

S.S. Chhallani)
Civil Judge (J.D), Chandwad.