

MHNS160010252015



RCS/ 1600139/2015

Lalit Vs. Hastimal + 2.

ORDER BELOW Exh. 44 and 46.

(Dated : 12.09.2025)

1. the application Exh. 44 is filed for condoning the delay for bringing the legal heirs of deceased defendant No. 3 and application Exh. 46 is filed for bringing the legal heirs of deceased defendant No. 3 on record. The defendant has filed say. Heard both.

2. The suit is filed for perpetual injunction. It is the contention of the plaintiff that pending this suit the defendant No. 3 Jagdish Hastimal Burad died on 15.10.2024. However, his death is not inform to the court and therefore his legal heirs are not brought on record within time stipulated under the law. Hence, plaintiff has filed present application for condoning the 13 days delay for bringing the legal heirs of deceased and for bringing the legal heirs of deceased on record by making necessary amendment in the plaint.

3. It is appeared that the defendant No. 3 is died on 15.10.2024 and present application is filed on 27.01.2025.

4. The applicant plaintiff is required to give an opportunity to contest the litigation. The delay is properly explained. Other side required to compensate by costs. In order to decide the suit on merit an opportunity required to be given

to the applicants plaintiff to bring the heirs of deceased defendant on record. Hence following order :

ORDER

Application Exh. 44 filed for condoning the delay for bringing the legal heirs of deceased defendant No. 3 and application Exh. 46 for bringing the legal heirs of deceased defendant No. 3 on record are allowed subject to cost of Rs. 500/- to the other side and Rs. 200/- to TLSA. plaintiff shall comply the order on or before the next date and filed amended copy on record. Failure on the part of plaintiff to comply the order then the matter will proceed further. Concern to take note of it.

Dated. 12.09.2025

(S.S.CHHALLANI)
Civil Judge (Jr.Dn.)
Chandwad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	Namdev M. Shedge
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	12.09.2025
Judgment/order signed by the PO on	12.09.2025
Judgment/order digitally signed by the PO on	12.09.2025
Judgment/order uploaded on	12.09.2025