

**Common Order below Exh.85 & Exh.86.**

- 1) Applicants i. e. Legal Representative of deceased plaintiff No.4 moved an application for condonation of delay (Exh.86) in bringing name of present applicants on record, as Legal Representative of deceased plaintiff No.4 and for permission to incorporate their names(Exh.85).
- 2) Defendant No.5 strongly opposed the application on the grounds that, the Application is not tenable.
- 3) Heard both sides.
- 4) Pending the litigation, plaintiff No.4 is reported to be dead. Applicants were unable to file the Application within prescribed time limit. Applicants were unable to obtain Death Certificate within time. There is delay of 17 to 18 days. Hence, prayed for relief.
- 5) Though defendants opposed the Application, but prayed for necessary orders. Applicants relied upon documents i.e. Death Certificate of plaintiff No.4 and School Leaving Certificate of Applicant No.3, who is minor. These documents support the contention of Applicants as to their right to sue survives. Suit is for Declaration and Partition. Thus, it is necessary to include all the parties who are claimant; in order to decide real controversy between parties. In view of this, applicants deserve the relief.

6) It is settled principle that, ignorance of law is no excuse. Thus, for the delay so caused, applicant shall pay the costs.

7) In the result following order is passed.

**ORDER**

- 1) Applications (Exh.85 & Exh.86) allowed with costs of Rs.100/- (Rupees Hundred only) be paid to Legal Aid.
- 2) Delay stands condoned.
- 3) Abatement stands set-aside.
- 4) Applicants shall get incorporated their names in suit, within 15 days.
- 5) Applicants shall supply copy of amended plaint on record and shall supply the same to defendants.

**Date : 26/11/2018.**  
**Nandgaon(Dist-Nashik)**

**( Smt. P.R. Dandekar )**  
**Civil Judge J.D.,Nandgaon.**