

Order Below Exh.8

The present application is filed by the D.H. to condone the delay to bring legal representatives (L.R.s) of J.D. No. 1.2 on record.

The D.H. contends that, J.D. No. 1.2 Indubai Devram Gavit was expired on 15.09.2013. However there is delay in bringing legal heirs of the deceased on record. However in the interest of justice it is necessary to bring legal representatives of deceased J.D. No. 1.2 on record. Hence the D.H. has filed the present application and prayed that delay to bring legal representatives of deceased J.D. No. 1.2 on record be condoned.

J.D. filed their say on the application and contended that the present application is filed after expiration of period of limitation. No reasonable explanation is given for the said delay. Hence the application be rejected.

Perused application and say. Heard ld. Advocates for both sides. As per the contention of the D.H, J.D. No. 1.2 Indubai Devram Gavit is expired on 15.9.2013. Her death certificate is filed on record along with report at Exh.6. According to the said death certificate Indubai Devram Gavit is expired on 15.9.2013. The present application is supported by affidavit. No prejudice will be caused to the J.D. No. 1.2 if the present application is allowed. Since the suit was abated against J.D. No. 1.2, show cause notice was issued to the L.R.s of J.D. No. 1.2 as per report at Exh. 20 the said notice is duly served on them. However, they failed to appear before the court. Hence, the present application deserves to be allowed. However, there is delay in filing the present application. Hence, costs needs to be imposed on the D.H. for the said delay.

Resultantly, I pass the following order :

ORDER

1. The application (Exh.8) is allowed with costs Rs.100/- (Rs.One hundred only).
2. The D.H. to pay costs to the J.D.
3. Abatement against J.D. No. 1.2 is set aside and D.H. is allowed to bring legal representatives of deceased J.D. No. 1.2 Indubai Devram Gavit on record and to carry out necessary amendment.
4. Issue notice to the newly added J.D.

Date : 23.3.2020

Place : Kalwan

(A. C. Joshi)

Jt. Civil Judge J. D., Kalwan