

**Regular Civil Suit No.95/2019.**  
**Common order below Exh.21 and 23.**

1. The plaintiff has filed application below Exh.21 for condonation of delay and below Exh.23 for bringing the legal heirs on record of deceased defendant No.4.
2. It is the contention of the plaintiff that the defendant No.4 died during the Covid period. Hence, the plaintiff could not get the knowledge about his death. After getting the knowledge, he has filed this application. Plaintiff is illiterate woman residing in the village. Delay is not deliberate. Hence, the plaintiff has filed this application for condonation of delay.
3. Further, it is the contention of the plaintiff that it is necessary to bring the legal heirs of deceased defendant No.4 on record as they are necessary party in this suit. The names of legal heirs of deceased defendant No.4 are mentioned in the application as defendant Nos.4-A to 4-C.
4. The defendants have filed their say below Exh.25. It is their contention that there is delay of more than 2 years. No sufficient cause is shown for the delay. Further, no application for abatement setting aside is filed. Plaintiff has filed this suit for partition. The defendants have filed their counter-claim. The reason mentioned in the application is vague. Thus, they prayed for rejection of application and in alternative they have prayed costs of Rs.10,000/- if it is allowed.
5. Heard both sides.
6. In order to substantiate their contention, the plaintiff has filed the verified copy of death certificate of defendant No.4. I have gone through it. It shows that she died on 20.02.2021. As per the guidelines issued by the Hon'ble Supreme Court, the delay from 20.03.2020 to 28.02.2022 is to be condoned in view of the situation of Covid-19 Pandemic. The death of defendant No.4 occurred during the said period. Hence, in view of the

guidelines issued by the Hon'ble Supreme Court, the delay is to be condoned.

7. Hence, the following order :-

### **ORDER**

1. The application below Exh.21 is allowed with no orders as to costs.
2. The delay in filing the application for bringing the legal heirs on record is condoned.
3. The application below exh.23 for bringing the legal heirs on record is hereby allowed.
4. The plaintiff is permitted to bring the legal heirs of deceased defendant No.4 on record as mentioned in the application and amend the plaint accordingly.

**Place : Yeola.**  
**Date : 30.03.2024.**

**(M. S. Ligade)**  
**Civil Judge, Junior Division**  
**Yeola.**

## CERTIFICATE

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer	:	P. A. Bargal (L.G. Stenographer)
Name of the Court	:	Shri. M. S. Ligade, C.J.J.D., Yeola, Dist. Nashik.
Date of Order / judgment	:	30.03.2024.
Order / judgment signed by		
Presiding officer on	:	30.03.2024.
Order / judgment uploaded on	:	30.03.2024.