

Common order below Exhs.28 & 30 in R.C.S. No.100/2019
(Ramnath Vs. Manohar & Ors.)

These are the applications filed by the plaintiff for condonation of delay in bringing on record the legal representatives of defendant No.2. He submit that, defendant No.2 namely, Laxman Mahadu Sangale died on 07.01.2021. He is survived by 6 legal representatives. There is delay in filing the application. The delay is on account of covid lock down. The suit pertains to the partition. Therefore, legal representatives of defendant No.2 are necessary parties. Hence, delay may be condoned, abatement may be set aside and legal representatives of defendant No.2 may be brought on record. The defendants resisted the application by filing say and contended that, no reason has been assigned for the delay. Therefore, application may be rejected.

2. Heard both sides. Perused record of the case. The plaintiff has not placed on record death certificate of defendant No.2. However, he has filed the copy of mutation entry No.4322 below llist Exh.32. It shows that, on account of death of Laxman Mahadu Sangale, names of his legal representatives are mutated in the revenue record. The application is supported by affidavit of the plaintiff. The suit pertains to the partition of the immovable property. Considering nature of dispute and reasons cited in the application, it would be proper to allow the plaintiff to bring on

record the legal representatives of defendant No.2 subject to costs. Hence, I pass the following order,

ORDER

1. The applications are allowed subject to costs of Rs.500/- (Rupees Five Hundred only) to be paid to the defendants on or before next date.

2. On payment of costs, the plaintiff shall carry out necessary amendment in the plaint and submit amended copy.

Sd/-xxxx

Date : 27.03.2025.

**(R. S. Kanade)
Civil Judge S.D., Sinnar.**

Common order below Exhs.32 & 34 in R.C.S. No.100/2019
(Ramnath Vs. Manohar & Ors.)

1. These are the applications filed by the plaintiff for condonation of delay in bringing on record the legal representatives of defendant No.5. He submit that defendant No.2 namely, Rakhmabai Kachru Wagh died on 31.12.2020. She is survived by 5 legal representatives. There is delay in filing the application. The delay is on account of covid lock-down. The suit pertains to the partition. Therefore, legal representatives of defendant No.5 are necessary parties. Hence, delay may be condoned, abatement may be set aside and legal representatives of defendant No.5 may be brought on record. The defendants resisted the application by filing say and contended that, no reason has been assigned for the delay. Therefore, application may be rejected.

3. Heard both sides. Perused record of the case. The plaintiff has placed on record death certificate of defendant No.5 at Exh.36. It shows that, defendant No.5 Rakhbmaba Wagh died on 31.12.2020. The suit pertains to the partition of the immovable property. Considering nature of dispute and reasons cited in the application, it would be proper to allow the plaintiff to bring on record the legal representatives of defendant No.5 subject to costs. Hence, I pass the following order,

ORDER

1. The applications are allowed subject to costs of Rs.500/- (Rupees Five Hundred only) to be paid to the defendants on or before next date.

2. On payment of costs, the plaintiff shall carry out necessary amendment in the plaint and submit amended copy.

Date : 27.03.2025.

**Sd/-xxx
(R. S. Kanade)
Civil Judge S.D., Sinnar.**

