



Reg.Civil Suit No.593/2016

(CNR No.MHOS100012562016)

Order below Exh.59

1. The applicants have filed this application for condonation of delay for bringing legal heirs of plaintiff (plaintiff in counter claim) – Gokuldas Uttamrao Ghule on record.

2. The applicants have submitted that, the Defendant No. 2 - Gokuldas Uttamrao Ghule, who is plaintiff in counter claim was expired on 21/03/2022 at village Rui, Tal. Washi, Dist. Osmanabad. The applicants have further submitted that, they were in mourning of the death of deceased Gokuldas Uttamrao Ghule, hence, they could not appeared in the counter claim and could not filed the application for bringing themselves on record to be the legal heirs of deceased - Gokuldas Uttamrao Ghule within 90 days from the death of their father. They have not deliberately caused delay in filing the application. Hence, they prayed to condone the delay caused in bringing the legal heirs of deceased - Gokuldas Uttamrao Ghule on record.

3. The say of defendant was called. The defendant has not filed his say. Hence, application is proceed without his say.

4. Read application and say. Heard. On perusal of record, it reveals that, the counter claim is instituted for partition and

separate possession in respect of suit properties. Considering the nature of counter claim and so as to resolve the real controversy between the parties, it is necessary to give permission to the applicants to bring the legal representatives of the plaintiff (plaintiff in counter claim) as mentioned in this application on record. As there is considerable delay in bringing them on record, however at the same time reasons for delay are satisfactorily given by the applicants. Therefore, there is no hurdle for bringing the legal representatives of the plaintiff (plaintiff of Counter claim) as mentioned in this application. Hence I pass the following order.

ORDER

- 1) The application is hereby allowed subject to costs of Rs. 300/- (Three hundred). It be paid to the defendant in the counter claim.
- 2) The delay occurred in bringing the legal heirs of plaintiff (plaintiff in counter claim) – Gokuldas Uttamrao Ghule as mentioned in this application on record is hereby condoned.

Date : 20/03/2023

(J. S. Gaikwad)
Civil Judge Jr.Division, Washi.

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	---	A.A. Joshi, Stenographer, (Grade-III)
Court	---	Civil Court,Washi,Tal.Washi, Dist.Osmanabad
Date	---	20-03-2023
Order signed by the presiding officer on	---	20-03-2023
Order uploaded on	---	21-03-2023