

ORDER BELOW EXH.78
(Passed on 16th December, 2025)

Plaintiff has filed the present application for condonation of delay caused for bringing on record LR's of defendant No.1 Rama Balbhim Dongare who died on 09.05.2021 on the ground that due to illness of plaintiff he could not appear before the Court in time. That's why delay was caused. Order of issue notice to proposed LR's was passed by my Ld. Predecessor on 14.12.2022. Due to lack of copies of application notices were not issued. Ld. Advocate for defendants orally objected the application on the ground of limitation and prayed for necessary order and also moved one pursis at Exh.107 regarding death of defendant No.1 and others.

02. Perused record and proceeding. Heard both side. Present suit is filed for declaration that plaintiff is owner and in possession of suit property and perpetual injunction. The death certificate of defendant No.1 namely Rama Balbhim Dongare is produced on record along with list of document at Exh.61/1. His death is not in dispute. The counter claim is amended in respect of death of Rama Balbhim Dongare who is plaintiff in counter claim. In such circumstances considering the nature of suit, right to sue survives after the death of defendant No.1. Hence, application

deserves to be allowed. At the same time delay needs to be compensated in terms of money. Accordingly, I proceed to pass the following order.

ORDER

Delay caused of bringing on record LR's of deceased defendant No.1 stands set aside subject to cost of **Rs.500/- (Rupees Five Hundred only)** payable to defendants.

(Dictated & Pronounced in open Court.)

Date : 16.12.2025

(Smt. P.S.Jadhav)
2nd Jt. Civil Judge Sr. Dn.,
Bhoom.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file order are same,
word to word, as per the original order.

Name of Stenographer	...	N. V. Koli Stenographer Grade-III
Court	...	2 nd Jt. Civil Court Sr. Dn., Bhoom.
Date	...	16.12.2025
Order signed by Presiding Officer on	...	16.12.2025
Order uploaded on	...	16.12.2025