



R.C.S.No. 266/2013
Murlidhar/Gorakh

Order Below Exh.90

Plaintiffs no.1 and 2 have moved application for condonation of delay caused for bringing L.rs on record of deceased defendant no.5 Machindra Sahebrao Gatkal who died on 18.12.2018. Defendants have filed their say below same exhibit and strongly objected the application of plaintiffs no.1 and 2.

2. By way of this application plaintiffs no.1 and 2 have submitted that, defendant no.5 Machindra Sahebrao Gatkal is died on 18.12.2018. The delay of 98 days caused for bringing L.rs on record. The suit is abated because applicants not proceeded against him within time because plaintiffs have not received heir-ship certificate. Due to that plaintiffs no.1 and 2 could not moved application within time. If application is rejected then applicants would suffer irreparable loss. The application is moved along with affidavit. Applicants lastly prayed to allow the application.

3. The defendants in suit objected the application on the ground of delay. If court come to the conclusion to allow this application then heavy cost may kindly be imposed.

4. I have heard learned advocate for respective parties at considerable length.

5. On perusal of record it appeared that suit is instituted for partition and possession. Applicants are applied for condonation of delay caused for bringing L.rs on record of deceased defendant no.5 Machindra. It reveals from the affidavit of plaintiff no.1 below Exh.91 that the defendant no.5 died on 18.12.2018. It appears that applicants

are interested in proceeding of present suit because they filed application for condonation of delay caused for bringing L.rs on record of deceased Machindra. Admittedly, that there is delay in filing this application it does not mean the application is liable to be rejected. It is seen that the interest of parties involved in immovable property. No purpose would be served by rejecting the present application because reason given by the applicants are satisfactory in nature for setting aside abatement. Hence, I proceed to pass following order-

O R D E R

1. Application is allowed subject to costs of Rs.100/- (Rs.One hundred only) to defendants.
2. Delay is caused to bringing L.rs.on record is hereby condoned.

Date : 14.03.2022

(K. K. Khomane)
Jt.Civil Judge,J.D. Bhoom.

C E R T I F I C A T E

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

Name of Stenographer	:-	M.K.Shinde
Court	:-	Jt.C.J.J.D., Bhoom, Dist. Osmanabad.
Date	:-	14.03.2022
Order signed by the Presiding officer on	:-	14.03.2022
Order uploaded on	:-	15.03.2022