

MHOS150000912016



R.C.S. No. 56/2016
Vijaykumar Vs. Dattatrya & Ors.
CNRNOMHOS150000912016

Common Order below Exh. 62, 64 and 66

1] These are the applications filed by the plaintiff for condonation of delay, setting aside abetment and to bring legal heirs of deceased defendant no. 5/2 on record.

2] It is contended by the Learned Counsel for the plaintiff that the defendant no.5/2 died on 10-07-2019 and as the plaintiff could not secure the necessary documents and also due to Covid-19 lockdown he could not bring the legal heirs of deceased defendant no. 5/2 on record within statutory period. Hence, there is a delay of around 1290 days in taking necessary steps. Hence, aforesaid applications have been preferred.

3] The Learned Counsel for the defendants did not oppose the aforesaid applications and remained absent at the time of hearing.

4] Upon perusal of record it is seen that the defendant no. 5/2 died on 10-07-2019. Both the applications filed by the plaintiff are supported by affidavit. Also, the copy of death certificate of defendant no. 5/2 is filed on record which shows that she died on 21-07-2019. The reason stated for the application for the delay is that due to Covid-19 lockdown he could not receive the necessary documents within stipulated time and could not file the application. Thus, it

appears that there is sufficient cause for not preferring aforesaid applications within stipulated period of time. Also, no any prejudice will be caused to the defendants if the applications are allowed. Rather multiplicity of the proceedings will be avoided. Hence, I hold that the applications deserves to be allowed. In the result, I pass the following order.

Order

1. Applications below Exh. 62, 64 and 66 are allowed subject to costs of Rs. 500/- to paid to T.L.S.A., Paranda.
2. Plaintiff is directed to bring legal heirs of deceased defendant no. 5/2 on record and carry out amendment accordingly within 14 days.

Sd/-

(Dilip G. Jagtap)
Jt. Civil Judge J.D.
Paranda.

Date : 28/06/2024

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 the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. Dilip G. Jagtap, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	28/06/2024
Judgment signed by the P.O. on	28/06/2024
Judgment/Order uploaded on	28/06/2024