

ORDER PASSED BELOW EXH. 35

The plaintiffs has filed this application for condonation of delay in taking legal heirs on record of deceased defendant no.3 under sec.151 alongwith O.XXII , R.4 of the C.P.C.

2) The plaintiffs submitted that, the defendant no.3 is died on 10/04/2012, but the plaintiffs were unaware about the fact and they could not carried the LR's in stipulated time and caused delay in taking LR's of deceased defendants no.3. Therefore, they could not bring her LR's within period of limitation. Hence, they has prayed to condone the delay and permit the plaintiffs to bring the LR's of deceased defendant no.3 on record.

3) The plaintiff has submitted that, in anticipation of the order, plaintiff has caused delay in carrying out and taking legal heirs on record. The opportunity to file say is given to the defendants on the present application. The defendants has filed their say and vehemently argued that, the defendant no.3 is dead. Hence application is not maintainable in eyes of law. Therefore, prayed to reject the same.

4) I have gone through the record. The suit is filed for declaration and permanent injunction. The cause of action is survived and in order to

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avoiding multiplicity of the proceeding and considering the reason mentioned in an application, the delay is condoned, subject to cost of Rs.400/- (Rs. Four Hundred Rupees only) payable to the contesting defendants jointly till next date.

Date : 3/10/2019

Bhor.

Jt.Civil Judge(J.D.),Bhor, Dist. Pune.