

COMMON ORDER BELOW EXH.54 and 56.

The present applications are filed by the plaintiff for delay condonation and bring the Lrs on record. According to plaintiff, defendant No.5 Arun Manohar Khaladkar passed away on 16.01.2023 at Pune. The fixed date was 25.04.2023. Due to family problem, he could not bring the Lrs of deceased on record before 25.04.2023. Therefore, delay 11 days has been caused. The said delay was not intentional. If delay caused to bring the Lrs on record is not condoned grave injustice would be caused to plaintiff. Hence, prayed to allow the application. On the other hand defendant No.1 and 2 contended that applications of plaintiff are not true. The reason given therein is not proper. Hence, prayed to reject the application.

2. Perused the application and say. Heard. It appears that defendant No.5 namely Arun Manohar Khaladkar passed away on 16.01.2023 at Cipla Foundation Pune. The present suit is filed for perpetual injunction. The plaintiff has sought relief in respect of immovable property. Therefore, right to sue survives against Lrs of deceased defendant No.5. The heirs of deceased Defendant no.5 is required to be brought on record. Otherwise the dispute between the parties cannot be resolved conclusively on merit. On the other hand, no prejudice would be caused to other side. The delay is considerable. Hence, to avoid multiplicity of proceedings and to elucidate the controversy between the parties once for all, the applications need to be allowed. Hence, I pass following order :

ORDER

Applications are allowed. Plaintiff to comply forthwith.

Place : Saswad.
Date : 12/08/2026.

[Tukaram P. Mote]
Civil Judge Junior Division,
Saswad, Dist. Pune.