

ORDER

1. Perused application and say. Heard both sides. Applicant prayed for condoning the delay of 3 Years 10 Months 29 Days caused for taking LR's of defendant no.2 on record. Lrs. of Defendant No. 2 had filed his say on overleaf of the application.

2. Applicant submitted that defendant no.2 Prabhu Bhiwa Thakar has passed away on 04/01/2019, however, the plaintiff's were unable to obtain name of LR's of defendant no.2. So delay is caused in bringing his LR's on record. Applicant submitted that, there was delay for getting documents i.e. Death Certificate of defendant no. 2. Also plaintiff is suffering from disease as well as government offices was closed due to National Lockdown, therefore delay was caused to file application for taking Lrs. on record. Therefore, it is necessary to take the LR's of the deceased defendant no.2 on record. Therefore, it is necessary to give them chance to taking LR's on record and condoning the delay caused. Hence, prayed for allowing the application. Defendant filed say and prayed that as the contentions in the application are false therefore application be rejected with costs. There was no specific reasons given in the application said application is affected by provision contained in the Limitation Act and therefore prayed for rejection of application.

3. The present suit is for specific performance and permanent injunction. It is necessary that, every suit to be decided on the merit. On perusal of the application and suit it seems that the important civil rights of the applicant is involved in the suit. Therefore, it seems necessary to give a chance to the applicant to taking LR's of deceased defendant no. 2 on record. It reveals that the LR's of the deceased defendant no.2 is necessary party to the suit. Therefore, the application

deserves to be allowed. Hence, considering the reasons stated in the application it needs to be allowed. Hence, the order:

ORDER

1. Application is allowed subject to costs of Rs 600/- payable by plaintiffs to the defendants collectively.
2. Delay caused for bringing legal heirs of defendant no.2 on record is hereby condoned.
3. Applicant to take note accordingly.

Sd/-

(G.A. Kulkarni)
4th Jt. C.J.J.D, Daund
Tq.Daund, Dist. Pune

Date :09/01/2023