

MHPU180017612013



R.C.S. No. 101/2013

Vasantrao

Vs.

Namdeo and Ors.

ORDER BELOW EXH.56.

(Passed On 31/01/2026)

The present application is filed by the plaintiff seeking condonation of delay in bringing Lr's of defendant No.3 Sunilkumar on record. The plaintiff contends that defendant No. 3 Sunilkumar, died on 01/01/2014. However, the plaintiff asserts that due to the old age of the plaintiff, he could not be brought Lr's of defendant No. 3 on record within the stipulated time. Accordingly, the plaintiff seeks condonation of the delay in this regard. Conversely, defendant No. 1 opposed the application, submitting that the Ld. Advocate for the plaintiff was present in Court but failed to file any application seeking condonation of delay at the appropriate time. It is further submitted that the delay has not been adequately explained, nor has it been supported by any documentary evidence. Therefore, the defendants contend that the application is not maintainable and be rejected.

2. Despite several opportunities, both parties failed to appear and argue on the present application. The matter is therefore decided on its merits. It appears from the death certificate filed along with the application that defendant No. 3 Sunil passed away on 01/07/2014. The present application is filed on 16/01/2015. Admittedly, the application is not supported by any additional documentary evidence, and there is a delay of three

months and sixteen days. The plaintiff is old age person. It is a settled principle of law that a court should decide disputes on merits, and delay alone cannot be the sole reason to reject an application and deny a party their remedy permanently. Considering the delay and in the interest of deciding the real controversy between the parties on merits, it is just and proper to condone the delay, subject to payment of costs. Accordingly, the application is deserves to be allowed subject to costs of Rs. 300/- to be paid by the plaintiff. Thus, I pass the following order.

ORDER

1. The application filed under Exhibit 56 is hereby allowed, subject to costs of Rs. 300/-, to be paid by the plaintiff to defendant No. 1 on or before the next date of hearing.
2. Upon payment of the said costs, the delay of three months and sixteen days in bringing the legal heirs of defendant No. 3 on record is hereby condoned.

Daund.
Dt.31/01/2026.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 31/01/2026.
Order / Judgment singed by	:- 31/01/2026.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 04/02/2026.