

**ORDER BELOW EXH. No.82 IN R.C.S. No.305/2016**

[Pravin Bhagwat & Anr. Vs. Yashwant Bhagwat & Ors.]

(Passed on 27th September, 2024)

Plaintiffs have filed this application to condone delay arose to take L.Rs. of defendant no.07 on record. Application is supported by Affidavit. Ld. Advocate of plaintiffs has submitted that defendant no.07, Minakshi Ankush Bhagwat @ Minakshi Ashok Mhetre died on 24.11.2022. But her legal heirs could not be brought on record within limitation. Therefore, this application is moved to condone the delay in bringing the L.Rs. of deceased defendant no.07 on record.

02. Defendants have filed say on this application and submitted that the application is not within limitation. Hence, application be rejected or be allowed subject to costs.

03. Heard both sides at length. Perused the record in detail. The suit is for removal of encroachment and permanent injunction. Without all the legal heirs on record suit cannot be decided on merits. Further, rejection of this application will lead to multiplicity of the proceeding and frustration of this suit. In order to decide this suit on merit and to avoid multiplicity of proceedings, as right to sue and be sued survives to the existing legal heirs of deceased defendant no.07, but considering the negligence of plaintiffs in moving this application within limitation. So in the interest of justice, delay is condoned subject to costs of Rs.500/- to be paid to defendants. Hence, I proceed to pass following order :-

ORDER

Application is allowed subject to costs of Rs.500/-
(Rupees Five Hundred only) to be paid to defendants.

Place :- Daund.
Date :- 27.09.2024.

[Smt. S. A. Virani]
Jt. C.J.J.D., Daund, Dist. Pune.

CERTIFICATE

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

Name of Steno	:-	P. D. Jagatap.
Name of the Court	:-	Smt. S. A. Virani, Jt. C.J.J.D., Daund, Dist. Pune.
Order date	:-	27.09.2024.
Order signed by the Presiding Officer on	:-	27.09.2024.
Order uploaded on	:-	27.09.2024.