

Order below Exh. 155 in R.C.S no. 232 of 2012

The present application is filed by the plaintiffs for delay condonation in taking legal heirs of plaintiff no. 6 on record.

2. It is contended by plaintiffs that plaintiff no. 6 died on 09.03.2020. Thereafter there was outbreak of pandemic of COVID-19 and therefore, legal heirs of plaintiff no. 6 could not be brought on record within time. If the delay is not condoned they would suffer irreparable loss. Hence prayed to allow the application.

3. Defendants resisted the application contending that plaintiffs have not given the application within stipulated time. No good cause is shown to condoned the delay. Hence, they prayed for rejection of the application.

4. Perused the application and say. Heard.

5. From the perusal of the record, it is apparent that the suit is pertaining to declaration of ownership and possession. Good grounds are made out by the plaintiffs to condone the delay. There is nothing on record to infer that conduct of plaintiff is malafide regarding this application. Comparative hardship lies in favour of plaintiff. In order to determine the real question in controversy between the parties, the present application needs to be allowed.

Accordingly, the following order is passed :

ORDER

The application (Exh. 155) is allowed. Delay in taking legal heirs of plaintiff no. 6 is hereby condoned.

Sd /-

Pen
Date: 09.11.2021

(Pritesh Deshpande)
Jt. Civil Judge, (J.D), Pen