

Order below Exh. 72 in R.C.S no. 108/2017

Present application is filed by the plaintiffs for delay condonation in taking legal heirs of defendant No.9 on record.

2. It is contended by plaintiffs that defendant No.9 died on 23.01.2022. Thereafter due to some difficulties, legal heirs of defendant No.9 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 by filing say overleaf.

4. Perused the application and say. Heard.

5. From the perusal of the record, it is apparent that the suit is pertaining to partition. 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 plaintiffs. 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. 72) is allowed. Delay in taking legal heirs of defendant No.9 is hereby condoned.

Pen
Date: 01.10.2022

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