

ORDER BELOW EXH.50

The present application is filed by the plaintiff for condonation of delay in bringing the legal heirs on record. The defendant filed say and strongly objected the contention. Heard learned advocates for both the sides.

2. Perused record. Defendant no.1 is reported to have died on 13.03.2017. The death certificate is filed on record. The plaintiff had to bring the legal heirs of defendant no.1 on record till 13.06.2017. The present application is filed on 25.07.2017. The statutory period to bring the legal heirs on record of the deceased is 90 days, which is already been lapsed. The reasons mentioned in the application for condonation of delay is that the plaintiff is senior citizen and defendant no.1 died at Nashik, due to which there was delay in finding the legal heirs. Hence, he prayed that the application be allowed.

3. The reason mentioned in the application is not sufficient for delay condonation. But, the right to sue survives and in order to decide the case on merits, it is necessary to bring the legal heir on record. Thus, the application deserves to be allowed. In the result, I pass the following order.

ORDER

The application is allowed subject to cost of Rs. 200/- to be paid plaintiff to legal aid.

Place: Khalapur
Date: 02.02.2018

(S.M. Gade)
Jt.Civil Judge, J.D, Khalapur