

MHRG110000862017



**COMMON ORDER BELOW EXH. 77, 79 AND EXH. 81**  
**IN R. C. S. NO. 13/2017**  
**(Passed on 06.01.2023)**

These applications are filed on behalf of the plaintiff for condonation of delay in filing application for setting aside abatement order, setting aside abatement order and to bring legal heirs of deceased defendant No. 5 on record. The defendants filed say and strongly objected on grounds that, there is no sufficient reasons mentioned in the application and no proper explanation submitted by the plaintiff. Hence, they pray to reject the application.

2. The plaintiff submitted that, defendant No. 5 is died, on perusal of death certificate it appears that, deceased defendant No. 5 is died on 27.05.2021. The plaintiff could not brings legal representatives of deceased defendant No. 5 on record within stipulated period. The reason is given for causing delay for filing applications on record is pandemic situation due to corona virus. It is true that, situation was quite serious at the time of filing applications on record and the date on which written statement was to be filed but thereafter the plaintiff has opportunity to file these applications.

3. The applicant has given justifiable cause for not filing

applications within time limit provided for bringing legal heirs on record. If the applications allow no prejudice will be caused to other side, it is helpful in adjudication of matter on merit and to avoid multiplicity in the proceeding. So far as, delay in filing said application is concerned, by awarding costs to the plaintiff, it will suffice the purpose. Hence, in the interest of the justice, I pass following order.

### ORDER

1. The applications at Exh. 77, 79 and Exh. 81 are allowed subject to costs of Rs. 1,000/- (One Thousand Rupees only) to be paid to T. L. S. A., Mangaon.
2. The plaintiff is allowed to bring legal heirs of deceased defendant No. 5 on record.
3. The plaintiff to comply order on or before next date and thereafter file amended copies of plaint along with copies for legal heirs of deceased defendant No. 5.

Mangaon,  
Date : 06.01.2023

(G. C. Fulzalke)  
Civil Judge Junior Division,  
Mangaon, Dist. Raigad.