

MHRG110003882018



COMMON ORDER BELOW EXH. 44, 46 AND EXH. 48
IN R. C. S. NO. 70/2018
(Passed on 27.02.2024)

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. 1 on record. Defendant No. 4 and 5 filed say and strongly objected on grounds that, the plaintiff intentionally delay to file the present application to harass the defendant. The said application is not filed within limitation. Hence, they pray to reject the application.

2. The plaintiff submitted that, defendant No. 1 is died on 28.06.2019. The plaintiff could not brings legal representatives of deceased defendant No. 1 on record within stipulated period. The reason is given for causing delay for filing applications on record is lack of legal knowledge. Therefore could not filed application within period. Hence, legal representatives of the deceased defendant No. 1 could not bring on record within stipulated period. The plaintiff has given justifiable cause for not filing applications within time limit provided for brining legal representative on record. The plaintiff had opportunity to filed the applications. However, they could not filed the applications on record. If the

applications allow no prejudice will caused to other side, nature of suit will not change and it is necessary to decide matter properly. So far as, delay in filing said application is concerned, by awarding costs, it will suffice the purpose. Hence, in the interest of the justice, I pass following order.

ORDER

1. Application at Exh. 44, 46 and Exh. 48 are allowed subject to costs of Rs. 4,000/- (Rupees Four Thousand only) to be given to the T. L. S. A. Mangaon.
2. The plaintiff is allowed to bring legal heirs of deceased defendant No. 1 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. 1.

Mangaon,
Date : 27.02.2024

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