

:: Order Below Exh.26 in Regular Civil Appeal
No.479/2019 ::

1. Applicant/Appellant has filed application for condonation of delay of 1 year and 8 months which is caused for taking legal heirs on record. Appellant has contended that during pendency of appeal Appellant No.2 Usha Shrikrishna Dharap died on 08/11/2019 and due to COVID-19 situation, Applicant could not file application within time.

2. Respondents have objected this application but the grounds of objection are not elaborated. In say it is mentioned that “strongly objected, death is prior to Covid”.

3. Heard Ld. Advocates for both sides. Perused record. In support of application Applicant/Appellant has filed affidavit. Respondents have not submitted any document.

4. Following points arise for my determination and findings thereon with reasonings are given as follows.

Sr. No.	Points	Reasons
1	Whether Applicant shows that there is sufficient cause for delay for taking legal heirs on record ?	Yes.
2	Whether delay should be condoned ?	Yes.
3	What order ?	Application is allowed

:: REASONS ::

Point No. 1 and 2

5. Ld. Adv. for Applicant has submitted that the delay for taking legal heirs on record is for the due Covid-19 situation and

there is no negligence on the part of Applicant. In support of application, Applicant Shrikrishan Dharap has filed affidavit. Appellant No.2 Usha Dharap has died on 08/11/2019 and application for condonation of delay and for bringing legal heirs on record is filed on 02/12/2021. There is delay of 1 year and 8 months. As per Limitation Act application for taking legal heirs on record should be in time.

6. In India Covid situation started in the month of March-2020 and from the date of death of Appellant No.2 Applicant has not taken steps for taking legal heirs on record. If this period is left then most of the period till filling of the application by the Applicant is mostly covered in Covid period. Hon'ble Apex Court has extended limitation period during Covid situation.

7. From the averments in the application and considering the pandemic situation it would be just and proper to condone the delay caused for taking legal heirs on record. It is always necessary to bring on record proper/necessary parties for just decision of the case otherwise it may affect the rights of parties. In the interest of Justice and for just decision of the case it would be proper to condone the delay. Hence, I pass following order.

:: ORDER ::

1. Application is allowed.
2. Delay of 1 year and 8 months is condoned without any cost.
3. Application is disposed of accordingly.

Sd/-

Panvel,
Dated :-16/06/2022

(S. C. Shinde)
District Judge-3, Raigad-Panvel.