

**Order below Exh.17 in Spl. Execution Petition No.52/2023
(Old Spl. Execution Petition No.76/2020)**

Through this application, applicants prayed to condone delay caused for bringing legal heirs of deceased applicant Fatima Husen Povekar, who died on 12/08/2021.

02. Despite opportunity, opponents failed to file say to the application. Consequently, application proceeded without say.

03. Heard, learned advocate for applicants. Deceased applicant reported died on 12/08/2021. Present application was filed on 13/01/2022. As per article 120 of Limitation Act, legal heirs was to be brought on record within 90 days from the date of death of deceased applicant. However, there is delay around 62 days. Reason cited in the application appears justified which caused delay in bringing legal heirs deceased applicant on record. Deceased applicant survived by legal heirs named in the application. Right to sue survives to legal heirs of deceased applicant against opponents. Thus, I am inclined to allow the application as prayed for. Resultantly following order.

ORDER

1. Application is allowed.
2. Delay of 62 days caused for bring legal heirs of deceased applicant is hereby condoned.
3. No order as to costs.

Mahad
Date : 21/09/2023

(P. M. Unhale)
Civil Judge S.D. Mahad