

Order below Exh.36 in L.A.R. No.35/2006

Through this application, applicants prayed to condone delay caused for bringing legal heirs of deceased applicant No.3 Smt. Chandrabai @ Laxmi Bhiku Sovilkar who died on 18/04/2010 on record.

02. Perused the application and say filed by opponent No.1 to 3. Heard learned advocate Mrs. Rachana Thale for applicants. Learned APP Mr. Yogesh Tendulkar for opponent No.1 & 2. Advocate for opponent No.3 since absent her say filed to application treated to be argument.

03. It is submissions of learned advocate for applicants that deceased applicant No.3 died on 18/04/2010. However information of her death was not given to him by either applicants. It is just because of illiteracy of applicants legal heirs of deceased applicant No.3 not brought on record. Thus there is delay around 10 years 5 months in bringing legal heirs of deceased applicant No.3 on record. According to them, delay caused is justified. Hence, prayed to allow the application.

04. On the other hand, opponent No.1 & 2 objected the application submitting that reasons cited in the application is not justifiable. Consequently prayed to reject the application.

05. Opponent No.3 contended to pass the necessary order.

06. Given thoughtful consideration to the rival submissions. Application is supported by affidavit. Reasons cited in the application which caused delay for bringing legal heirs of deceased applicant No.3 on record cannot be ruled out. Other applicants are already on record. In such circumstances allowing the application will cause no prejudice to either opponent. In short application appears bonafide one. In the interest of justice, I am inclined to allow the application as prayed for. Resultantly following order.

ORDER

1. The application is allowed.
2. Delay caused for bring legal heirs of deceased applicant No.3 is hereby condoned.
3. No order as to cost.

Sd/-

Mahad
Date : 11/01/2024

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