

Order below Exh.27 in L.A.R. No.47/2006

Through this application, applicant prayed to condone delay caused for bringing legal heirs of deceased applicant Mr. Usman Ismail Patankar who died on 23/01/2021 on record.

02. Perused the application and say filed by opponent No.1 & 2. Opponent No.3 failed to file say to the application despite opportunity.

03. Heard learned advocate Mrs. Rachana Thale for applicant. Learned APP Mr. Yogesh Tendulkar for opponent No.1 & 2.

04. It is submissions of learned advocate for applicants that deceased applicant died on 23/01/2021. Information of his death was not given to him by legal heirs. It is just because of illiteracy of applicant/legal heirs of deceased applicant not brought on record. Beside there was pandemic owing Covid-19. Thus there is delay around 01 years 11 months in bringing legal heirs of deceased applicant on record. According to him, delay caused is justified. Hence, prayed to allow the application.

05. On the other hand, opponent No.1 & 2 objected the application submitting that reasons cited in the application is not justifiable.

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 on record cannot be ruled out. Allowing application will cause no prejudice to either opponent. In short application appears bonafide one. Thus 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 is hereby condoned.
3. No order as to cost.

Sd/-

Mahad
Date : 11/01/2024

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