

Order below Exh.21 in L.A.R. No.50/2006

Through this application, applicants prayed to condone delay caused for bringing legal heirs of deceased applicant Bhagaram Ganpat Malusare on record.

02. Perused the application. Say filed by respondent No. 1 & 2. Respondent No. 3 despite opportunity failed to file say to application. Heard respective learned advocates for applicants and respondent No. 1 & 2.

03. It is contention of applicants that original Bhagaram Ganpat Malusare died On 24/01/2023. Applicants were not aware about the reference pending before the court. When the reference reached to the stage of adducing evidence, the advocate approached to applicant No. 1 named in the application through one Baban Sutar. On 04/01/2022, proposed applicants learned about the reference and they informed about the death of original applicant Bhagaram. Thus, legal heirs of deceased applicant No.1. could not be brought on record within time. As such, there is delay around 18 years 8 months 19 days. According to applicants, if they are not brought on record, it will cause an irreparable loss to them. As such, prayed to allow the application.

04. Application was opposed by respondent No. 1 & 2 submitting that the reason cited in the application is not justified to condone delay. As such, prayed to reject the application.

05. 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. Considering the nature of the relief claimed an opportunity needs to be given to the legal heirs of deceased applicant. 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 Bhagaram Ganpat Malusare is hereby condoned.
3. No order as to cost.

Sd/-

Place: Mahad
Date : 18/01/2024

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