

CNR No. MHRT010000322018

Regular Civil Appeal No.07/2018

Ajij Abbas Mukadam

Appellant.

Vs.

Abdul Sattar Husain Patankar & ors.

Respondents.

Order below Exh. 45

1. This is an application filed by appellant, thereby prayed to condone the delay caused for bringing legal heirs of deceased respondent no.1 Abdul Sattar Husain Patankar on record.

2. It is submitted by appellant that respondent no.1 died on 17/05/2021. His wife Mumtaj Abdul Sattar Patankar also died on 23/05/2021. It is further submitted by appellant that he supposed to have brought the heirs of respondent no.1 till 16/08/2021, but he was not aware about the death of respondent no.1. Thereafter he collected requisite information to that respect from heirs of respondent. As such, there has been delay for filing an application for condoning delay for bringing legal heirs on record of respondent no.1. Therefore, it is necessary to condone the delay. It is further submitted that the delay caused is not intentional or deliberate. The present application is supported with the affidavit of appellant. Finally, it is prayed to allow the application.

3. The respondents filed their say at Exh.66 and strongly resisted the application and submitted that there are no justifiable reasons for delay caused. The application is not tenable. Finally, it is prayed to reject

the application.

4. Perused the application. Heard Ld. Advocates for the appellant and respondents.

5. On perusal of application and other record of the case, there appears substance in this application. The record shows that the appellant was not aware of date of death of respondent no.1. The copy of death certificate shows that the respondent No.1 died on 23-05-2021. Admittedly, there is delay in bringing the legal heirs on record. The appellant has mentioned the reasons for delay in bringing the legal heirs on record. The court has to adopt liberal approach while deciding the application for condonation of delay. In my view for avoiding multiplicity of the proceeding the application needs to be allowed. Hence, the following order.

ORDER

1. Application Exh. 45 is allowed.
2. Delay caused for bringing legal heirs of deceased respondent no.1 Abdul Sattar Husain Patankar is hereby condoned.

Date : 31.08.2024.

**(A. M. Ambalkar)
District Judge- 1, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Reg. Civil Appeal No.7/2018
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	31.08.2024
Order signed by the P.O. on	:-	31.08.2024
Order uploaded on	:-	02.09.2024