

CNR No. MHRT010000322018

Regular Civil Appeal No.07/2018

Ajij Abbas Mukadam

Appellant.

Vs.

Abdul Sattar Husain Patankar & ors.

Respondents.

Order below Exh. 59

1. This is an application filed by appellant for bringing legal heirs of respondent no.5 Hasan Ishak Kazi on record.

2. It is submitted by appellant that respondent no.5 died on 03/04/2024. It is further submitted by appellant that he was supposed to bring the legal heirs of respondent no.5 till 02/07/2024, but he did not know about death of respondent no.5. He came to know this fact on 24/09/2024 when the plaintiff in Spl.Civil Suit No.197/2011 gave application for recording heirs and at that time he got information and death certificate of said respondent no.5. Thereafter he collected requisite information of respondent no.5. For this reasons, appellant could not bring on record the legal heirs of respondent no.5 within prescribed time. Finally, it is prayed to allow the application.

3. The respondents filed their say on application itself and strongly resisted the application and prayed to reject the application.

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

5. On perusal of application, it appears that the appellant has put forth cogent, justifiable and satisfying reasons for delay for bringing legal heirs of deceased respondent no.5 on record. There appears no intentional or deliberate delay on the part of appellant. It is settled that delay may be condoned liberally if appellant shows justifiable reason. In the present matter, the appellant has shown sufficient cause for delay. In my view for avoiding multiplicity of the proceeding the application needs to be allowed. Therefore, I am of opinion that application is worthy to be allowed. Hence, I pass following order.

ORDER

1. Application Exh. 59 is allowed.
2. The appellant is permitted to bring on record the legal heirs of deceased respondent no.5 Hasan Ishak Kazi on record.
3. Necessary amendment be carried out.

Date : 02.07.2025.

**(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.07/2018
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	02.07.2025
Order signed by the P.O. on	:-	02.07.2025
Order uploaded on	:-	03.07.2025