

CNR No. MHRT010001232022

Regular Civil Appeal No. 6/2022

Dattaram Gangaram Chavan

Appellant.

Vs.

Shri. Balkrishna Bhikaji Chavan & ors.

Respondents.

Order below Exh. 27

1. This is an application filed by appellant for bringing legal heirs on record of respondent no.3 Kisan Sitaram Chavan.

2. The appellant submitted that the respondent no.3 died on 10/12/2020 at Civil Hospital, Ratnagiri. But he did not know about his death. Respondents also did not give such information at the time of filing of delay condonation application for filing an appeal. Thereafter, he had to obtain death certificate and necessary information about his legal heirs. It is further submitted that the delay caused for bringing legal heirs on record is not intentional or deliberate. Therefore, it is necessary to bring legal heirs on record of respondent no.3. As such, there has been delay for filing an application for condoning delay for filing an application for bringing legal heirs on record of respondent no.3. The present application is supported with the affidavit of appellant. Finally, it is prayed to allow the application.

3. The respondents strongly resisted the application by filing say on the application itself and submitted that the present application is not tenable. Appellant and respondents are relatives of each other. It is

further submitted that the delay caused is only because of negligence of respondents, therefore application is liable to be rejected. Finally, prayed to reject the application.

4. On perusal of application and other record of the case, there appears substance in this application. Respondent no.3 died on 10/12/2020 at Civil Hospital, Ratnagiri. But appellant did not know about his death. Respondents also did not give such information at the time of filing of delay condonation application for filing an appeal. Admittedly, there is delay in bringing the legal heirs on record. This Court has already granted the application at Exh.25 filed by appellant for condoning delay for bringing legal heirs on record of respondent no.3. The appellant has mentioned the reasons for delay in bringing the legal heirs on record. In my view for avoiding multiplicity of the proceeding the application needs to be allowed. Hence, the following order.

ORDER

1. Application Exh. 27 is allowed.
2. The appellant is permitted to bring the legal heirs of deceased respondent no.3 Kisan Sitaram Chavan on record.
3. Necessary amendment be carried out.

Date : 26.06.2025.

**(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.6/2022
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	26.06.2025
Order signed by the P.O. on	:-	26.06.2025
Order uploaded on	:-	30.06.2025