

CNR No. MHRT010009262017

Regular Civil Appeal No. 85/2017

Sachin Chimakant Kule

Appellant.

Vs.

Maruti Babu Aakhade & ors.

Respondents.

Order below Exh. 32

1. This is an application filed by applicant for condoning delay for bringing legal heirs on record of respondent no.8 Ramakant Dhakya Akhade.

2. It is submitted by appellant that respondent no.8 died on 4/01/2020. On 26/07/2022 he got the information about the demise of respondent no.8 when advocate of respondent filed purshis in the Court. Thereafter, he had to obtain death certificate and necessary information about his legal heirs. All the legal heirs of defendant no.8 are residing in Khalgaon, Jakadevi, Tal. & Dist. Ratnagiri and so it was difficult for him to collect information about names and addresses of legal heirs of respondent no.8. As such, there has been delay for filing an application for condoning delay for bringing legal heirs on record of respondent no.8. 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 respondent no.1 filed his say on the application itself and strongly resisted the application and submitted that there are no justifiable reasons for delay caused. The application is not tenable as appellant has not filed the application for abatement set aside. 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.8. 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. Delay caused is not deliberate and intentional. In my view for avoiding multiplicity of the proceeding the application needs to be allowed. Hence, the following order.

ORDER

1. Application Exh. 32 is allowed.
2. Delay caused for bringing legal heirs of deceased respondent no.8 Ramakant Dhakya Akhade is hereby condoned.

Date : 01.10.2024.

**(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.85/2017
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	01.10.2024
Order signed by the P.O. on	:-	01.10.2024
Order uploaded on	:-	01.10.2024