

CNR No. MHRT010010102024

Misc. Civil Appeal No. 32/2024

Shri. Milind Jagannath Jadhav

Appellant.

Vs.

Shri. Sadashiv Sakharam Kamble & ors.

Respondents.

Order below Exh. 41

1. This is an application filed by appellant for condoning the delay for taking the legal heirs of deceased respondent No.3 Vinayak Ganpat Jadhav on record. Application is supported with an affidavit Exh.42.

2. It is the case of appellant that the respondent no.3 died on 20/10/2025. The appellant was required to bring the legal heirs of respondent within 90 days. However there is delay of 70 days. It is the contention of appellant that he was engaged in election duty and also railway ticket reservation was not possible, therefor he could not remain present before the Court and therefore, he could not bring on record the legal heirs of respondent no.3 within the prescribed period. According to the appellant, the delay is not willful, deliberate and intentional and the same is caused due to aforesaid reasons. On these grounds, he prayed for condonation of delay for taking the legal heirs of deceased respondent no.3.

3. Advocate of respondent Smt. L. G. Jedhe filed her say on this application itself and strongly resisted the application and prayed for rejection of application.

4. Perused the application and say. Heard Ld. Advocates for both the sides. Perused the record. Respondent No.3 Vinayak Ganpat Jadhav died on 20/10/2025. It appears from the application and other record that appellant was not aware of date of death of respondent. He was engaged in election duty and also railway ticket reservation was not possible to be obtained, therefore he could not remain present before the Court. The said reason appears to be cogent and justifiable. There appears no intentional or deliberate delay. The Court has to adopt liberal approach while deciding the application for condonation of delay. Therefore, the present application is worthy to be allowed. Hence, the following order.

ORDER

1. Application Exh. 41 is allowed.
2. Delay for taking the legal heirs of deceased respondent No.3 Vinayak Ganpat Jadhav on record is hereby condoned.
3. Parties to take note.

Date : 01.07.2026.

(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		Misc. Civil Appeal No.32/2024
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	01.07.2026
Order signed by the P.O. on	:-	01.07.2026
Order uploaded on	:-	01.07.2026