

MHRT040000392022



**ORDER BELOW EXH. 35 IN**  
**REGULAR CIVIL APPEAL NO. 5 OF 2022**

Prakash Shinde

Appellant

Versus

Jagannath Shinde

Respondents

1. The application is to condone delay to bring legal heirs of deceased Respondent No. 1 Jagannath Babaji Shinde on record. It is submitted that Respondents have filed purshis (Exh.28) on 11-12-2023. But appellant received copy of death certificate on 15-02-2024. Hence delay of 27 days has been caused. Therefore, delay be condoned.

2. The respondents resisted the application by filing say on it. It is contended that the reason for delay is not correct. Hence application may be rejected.

3. After perusing the record, it seems that the said appeal is filed against the judgment and decree in original suit i.e., RCS No. 41/2006 passed by the learned Civil Judge, J.D., Khed on 02/05/2015. The delay caused to bring the legal heirs

on record is not deliberate and it is only of 27 days. It is well settled principle of law that when cause of action survives and legal representatives of the parties shall be brought on record for adjudication of the matter. In this particular case, the suit is for partition. The proposed LR's are necessary parties. In the result, following order is passed :-

**ORDER**

- (1) Application is allowed.
  
- (2) Delay caused to bring legal heirs of respondent no.1 on record is hereby condoned.
  
- (3) No order as to costs.

Khed.

Date:- 18/07/2024

( P.S.Chandgude )

District Judge-2, Khed,  
Dist. Ratnagiri

**Certificate**

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

Name of the English Stenographer	Mrs.V.S.Kulkarni
Name of the Court	Shri. P. S. Chandgude, District Judge-2, Khed, Dist. Ratnagiri.
Date of Pronouncement	18.07.2024
Judgment/order Signed On	19.07.2024
Judgment/order Uploaded On	19.07.2024