

MHRT040000702014



ORDER BELOW EXH.58 IN
REGULAR CIVIL APPEAL NO. 8 OF 2014

Sharad Ganesh Datar Appellant
Versus
Shrikrishna Mahadev Datar etc. Respondents

1. The application is to condone delay to bring legal heirs of deceased Respondent No.15 Shripad Dinkar Datar who died on 01-12-2020 and Respondent No.19 Sudhir Ganesh Joglekar who died on 01-01-2022. Hence delay of 702 and 306 days respectively has been caused. Therefore, delay be condoned.

2. The notice was issued to the proposed Lrs of deceased Respondents. However in spite of service of notice no one appeared therefore application is ex parte against them. The Learned advocate of other respondents Shri. Pawaskar objected the application and submitted to pass necessary order.

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. 33/2010 passed by the learned Civil Judge, J.D., Dapoli on 30/12/2023. The delay caused to bring the legal heirs on record is not deliberate and it is of 702 and 306 days respectively. 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. 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.15 and 19 on record is hereby condoned.
- (3) No order as to costs.

Khed.

Date:- 06/11/2024

(P.S.Chandgude)

I/C District Judge-1 @ 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, I/C District Judge-1, Khed, Dist. Ratnagiri.
Date of Pronouncement	06.11.2024
Judgment/order Signed On	06.11.2024
Judgment/order Uploaded On	07.11.2024