

ORDER BELOW EXH.68 IN REGULAR CIVIL APPEAL NO. 26/2015

(CNR NO.:MHRT040001502015)

(Sanjay Jadyal Vs. Ganpat Jadyal & Ors.)

1. The present application is made by the appellant for condonation of delay of 338 days caused in bringing on record the legal representatives of deceased respondent no.2 namely Ram Shripat Jadyal under section 5 of Limitation Act. The respondents resisted the application by filing say stating that, no reasonable ground for allow application. Hence, rejected.

2. Read application and say. Perused record. Heard.

3. The appellant filed main appeal in 2015 and the death of respondent no.2 namely Ram Shripat Jadyal occurred on 03.10.2024. The legal representatives were expected to be brought on record on or before 03.01.2025. But present application is filed on 05.12.2025. To show satisfactory reason the appellant put forth reason that appellant is doing labour work and agriculture work. Appellant is illiterate and has no legal knowledge. The Ld. Advocate for respondent as well as their relatives have also not given information about the death of respondent to the Court. The reason mentioned is not satisfactory. However, valuable rights of the parties are going to be decided in the matter. To avoid delay on technical reasons the application needs to be allowed. The provision of 'sufficient cause' in Section 5 of the Limitation Act should be understood in a broad and fair way, so that real justice can be enhanced. Hence, following order is passed: -

ORDER

1. Application is allowed.

2. Delay caused to bring legal representatives of deceased respondent no.2 on record is hereby condoned.
3. Costs in cause.

sd/-

Khed
Date-05.12.2025.

(V.T. Nirgude)
District Judge – 2, Khed.

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I affirm that the contents of this pdf file order are same word as per original order.
Name of Stenographer : S.K.Inamdar

Court Name : District Judge 2, Khed.
Date of Decision : 05.12.2025
Order Signed by P.O. on : 05.12.2025
Order uploaded on : 06.12.2025