

COMMON ORDER BELOW EXHS. 31, 33 & 35 IN
REGULAR CIVIL APPEAL NO. 49 OF 2014

(CNR NO.MHRT-04-000-442-2014)

Aadam Ishamuddin Yete (Deceased) Appellants
Through LR's and ors.

Versus

Ibrahim Ishamuddin Yete Respondents
(Deceased) Through LR's and ors.

1. Through these applications the appellant no.5 is seeking the setting aside the abetment of the appeal against deceased appellant no.3 Iqbal Aadam Yete, condonation of delay in filing the application to bring LR's of original deceased appellant Iqbal Aadam Yete, on record.

2. Appellant has filed Exh.35 in which he has mentioned the legal heirs of deceased appellant Iqbal Aadam Yete and prayed to bring his legal heirs on record as mentioned in Exh.35.

3. It has contended by the appellant no.5 that, appellant no.3 Iqbal Aadam Yete died on 18.07.2021. Appellant no.5 has cited in Exh.35 the names of legal heirs of deceased and they are the legal heirs of the deceased appellant Iqbal Aadam Yete and it is necessary to add them as a party to this appeal. Since the appellant Iqbal Yete died, appellant no.5 or LR's of deceased appellant cannot pursue the matter within time due to pandemic situation arising out of COVID-19 and non-availability of transportation. The reasons shown by the appellant no.5 strongly objected by other party. But, as the matter is regarding rights of immovable properties and as the LR's of deceased appellant are interested to proceed with the same, it would be just to set-aside the abetment and to condone the

delay subject to costs of Rs.500/- payable to the Government, and thereafter, to bring the LR's of deceased appellant as mentioned in application Exh.35, on record, as prayed. Hence, the order.

ORDER

1. The abetment of the appeal in respect of deceased appellant Iqbal Aadam Yete stands set-aside.

2. The delay of more than 108 days in filing the application to bring the LR's of deceased appellant no.3 stands condoned subject to costs of Rs.500/- (Rs. Five Hundred Only) payable to the Government.

3. The proposed LR's of deceased appellant Iqbal Aadam Yete (as mentioned in Exh.35) are hereby added as appellant No.3A, 3B, 3C, 3D, 3E, 3F, 3G and 3H.

4. Concern to comply with the order forthwith.

Sd/-***

Khed.

Date :- 08.04.2022

(D. L. Nikam)

District Judge -2, Khed,
Tal. Khed, Dist. Ratnagiri.

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 Grade I Stenographer	Mr.Sandeep S. Patil
Name of the Court	Mr.D.L.Nikam District Judge-2, Khed, Dist.R'giri.
Date of Pronouncement	08.04.2022
Judgment/Order Signed On	08.04.2022
Judgment/Order Uploaded On	08.04.2022