

MHSI06-000122-2002

R.C.S. 112/2002
Ankush V/s. Balkrishna

ORDER PASSED BELOW EXH.70
(Passed on 29.11.2024)

Present application has been filed by the plaintiff for condonation of delay in filing application to brought Legal representatives of deceased plaintiff no.1-B on record.

2. The plaintiff contented that, the plaintiff no.1-B namely Bhagwan Ankush Sawant died on 08/09/2015. This suit was decided on 21/07/2015. The plaintiff had preferred appeal against the Judgment dated 21/07/2015 before Hon'ble District Court, Sindhudurg. The said appeal was decided on 2/05/2024 and Hon'ble District Court has remanded the present suit for fresh trial. Due to pendency of appeal delay of 9 years 262 days caused. Hence, he prayed for condonation of delay caused to brought Lrs. Of deceased on record.

3. The defendant has filed his say to this application and submitted that, heavy cost may be imposed upon the plaintiff.

4. Perused record and heard both sides.

5. The suit is filed for declaration and perpetual injunction. During pendency of the appeal plaintiff no.1-B

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died. The plaintiff could not brought Lrs. Of deceased plaintiff no.1-B on record within stipulated period. The suit remanded back for fresh trial. The reason mentioned by applicant is seems to be genuine. Considering nature of suit it appears that the rights of legal representatives of deceased are involved. Delay caused can be compensated by imposing cost upon the applicant. Therefore, to meet the ends of justice I proceed to pass the following order:-

ORDER

1. Application is hereby allowed.
- 2 Delay to brought LR's of deceased plaintiff no.1-B on record is hereby condoned subject to cost of Rs.300/-.

Sawantwadi
Date:29/11/2024

(J.M. Mistry)
Civil Judge (Jr.Dn.),
Sawantwadi.