



**CNR No. MHSI070000032007**  
**Order passed below Exh. No.215**  
**in R.C.S. No. 01/2007**

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The application is filed by the plaintiff for condonation of delay in filing application for taking legal representatives of deceased plaintiff no.2 on record.

2. The defendants have objected the application by filing say at Exh.219. It is contended that application is false and frivolous. It is contended that the reasons advanced therein are not satisfactory. Proposed Defendant no.2B and 2C are minor. The plaintiff has not filed application seeking appointment of guardian of minor alongwith the present application. Therefore, prayed to reject the application.

3. Perused record. Heard both sides.

4. It appears from the perusal of the record that plaintiff no.2 died on 16/04/2022. Article 120 of the Limitation Act, 1963 prescribes a limitation of 90 days for bringing legal representatives of the deceased party from the date of death. So, it was the duty of plaintiff no.1 to bring legal heirs of the deceased plaintiff no.2 within 90 days from the date of his death. It appears that the plaintiff has failed to bring the legal heirs of the deceased within the prescribed period. There appears to be a delay of approximately 3 years 9 months and 22 days to move the present application.

5. It is submitted by the plaintiff that, she and plaintiff no.2 are residing separately. Therefore, she was not aware of death of plaintiff no.2. Due to knee surgery, it was not possible to file the necessary application for bringing the legal representatives on record within the prescribed time. Therefore, there is a delay in bringing the legal representative of deceased plaintiff no.2 on record. The said delay is not intentional or willful.

6. The reason advanced by the plaintiff seems to be justifiable. The said reason is also supported by an affidavit. Considering the nature of the proceeding, and in order to decide the matter on merit, it will be just and proper to condone the delay. However, inconvenience caused to the defendants can be compensated by imposing costs upon the plaintiff. From the above discussion the application deserves to be allowed. Hence, the following order is passed.

<b>ORDER</b>	
1.	The application Exh. 215 is allowed, subject to payment of costs of Rs. 1000/- to be paid by plaintiff no.1 to the defendants on or before the next date.
2.	On payment of costs the delay caused in filing an application for taking legal representatives of the deceased plaintiff no.2 on record, shall be condoned.
(Pronounced and dictated in open Court.)	

Place : Malvan  
Date : 11/03/2026

M.K.Fakih  
Civil Judge (J.D.) Malvan.