



CNR No. MHSI070000762015
Order passed below Exh. No.69
in R.C.S. No. 18/2015

The application is filed by the plaintiff for condonation of delay in filing application for taking legal representatives of deceased defendant no.1 on record.

2. The proposed defendant no. 1(a) has objected the application by filing say on overleaf of the application itself. It is contended the reasons advanced therein are not satisfactory. The plaintiff has filed present application at belated stage. Therefore, prayed to reject the application.

3. Perused record. Heard both sides.

4. It appears from the perusal of the record that defendant no.1 died on 23/03/2023. 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 to bring legal heirs of the deceased defendant no. 1 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 541 days to move the present application.

5. It is submitted by the plaintiff that, due to his operation and old age, 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 defendant no.1 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 defendant 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.

	ORDER
1.	The application Exh. 69 is allowed, subject to payment of costs of Rs. 500/- to be paid by plaintiff to the defendant 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 defendant no.1 on record, shall be condoned.
	(Pronounced and dictated in open Court.)

Place : Malvan
Date : 09/06/2026

Sd/-
M.K.Fakih
Civil Judge (J.D.) Malvan.