

MHSN020007832023



ORDER BELOW EXH. 42 IN RCS No. 141/2023
(Ramesh Patil v. Vaishali Bhoite & Ors)

The suit is for partition and separate possession. Defendant No. 7 has died on 06/08/2023. It was expected that, the legal heirs of deceased defendant No. 7 should have been brought on record till 06/11/2023. But, there is a delay of three months fourteen days in bringing legal heirs on record. Called say of defendants. They have formally objected this application.

2. Heard both sides at some length. Apparently, there is a delay of three months fourteen days in bringing legal heirs on record. Plaintiff was ignorant of death of defendant No. 7. According to plaintiff, he is suffering from old age hence, he was unable to get necessary information as to death of said defendant. *Prima facie*, delay is unintentional. It deserves to be condoned under Order 22 Rule 4(5) (b) of CPC. The suit is not formally abated by order. Right to sue survives. Hence, I proceed to pass the following order.

	<u>ORDER</u>
1.	Application is allowed.
2.	The delay of three months fourteen days is hereby condoned under Order 22 Rule 4(5) (b) of CPC.

Date: 06.03.2024.

(Wahab A. Syed)
2nd Jt. Civil Judge Junior Division,
Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer	:- A.P.Patil.
Name of the Court	:- 2 nd Jt. Civil Judge Jr. Dn. Sangli.
Date of decision	:- 06.03.2024
Order signed by P.O. on	:- 06.03.2024
Order uploaded on	:- 06.03.2024