



(CNR MHSN020017532015)

Order below Exh.120 in Special Civil Suit No.264/2015

(Sahyadri Starch and Industries Pvt. Ltd.Thr.Vishal Jethmal Majethiya V/s.
Ramnath Shankar Shinde and Ors.)

1. The present application is filed by plaintiff for condonation of delay to bring Lr's of deceased defendant No.7 on record. It is contended by plaintiff that due to COVID-19 situation he could not collect the information and documents about deceased defendant No.7. Hence, prayer to allow the application.

The proposed Lr's of defendant No.7 though served with notice Exh.127, failed to file their say.

Defendants opposed this application on ground of delay and not justifiable reason. Moreover, plaintiff submitted to allow the application on costs, if Court deem fit.

2. Having heard to both sides, it is seen from record that suit is filed for specific performance base on agreement. The defendants have not disputed about the date of death of defendant No.7 and his Lr's shown in application. Only objection is taken that the application is filed belated and reason not justifiable. Admittedly, Lr's of deceased should have brought on record within period of 90 days and plaintiff failed to do so. The reason in application is also not satisfactory with regards to COVID-19 period. However, considering the nature of suit, presence of Lr's of deceased defendant No.7 are required on record to adjudicate the suit effectively and completely. Thus, to meet the end of justice, passed the following order.

ORDER

1. Application is allowed on subject to costs of Rs.500/- to the defendants.
2. Delay caused to bring their Lr's on record is hereby condoned.

Sangli.

Date:-19.06.2023

(D. R. Deshmukh)

Jt. Civil Judge Sr. Dn., Sangli.

CERTIFICATE

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

Name of Stenographer	: Sou. S. A. Mane (Grade-II)
Name of the Court	: Shri. D. R. Deshmukh Jt. Civil Judge Sr. Dn., Sangli.
Date of decision	: 19/06/2023
Order signed by P.O. on	: 19/06/2023
Order uploaded on	: 20/06/2023