

(CNR No.MHSNO-40001812025)

ORDER BELOW EXH.10 IN REG. CIVIL APPEAL NO.16 OF 2025
(Swapnil Mohan Kamble, etc. V/s. Sarjerao Shankar Kalugade, etc.)

1. This is an application filed by appellants for condonation of delay to bring the legal representatives of deceased respondent no.1 Sarjerao Shankar Kalugade on record. The respondents have filed reply opposing the application.

2. Heard. Perused the record.

3. It is the contention of appellants that, respondent no.1 Sarjerao Shankar Kalugade expired on dated 20/03/2025 during pendency of the appeal. But, the appellants have no knowledge about Court proceeding. Therefore, the delay is caused to bring legal representatives of deceased respondent on record which is not deliberate. Hence, appellants prayed to condone the delay for bringing the legal representatives of deceased respondent no.1 on record.

4. The respondents have resisted the application by filing say and denied all the contentions made in the application. However, it reveals that he has not denied the fact of death of respondent no.1. It is contended that, the reason mentioned for condonation of delay is false. Therefore, the application moved by appellants is liable to be rejected.

5. Perused application and say of other side. Perused the death extract filed by the appellants. It reveals that respondent no.13 Ramrao Rajaram Shelake expired on 13/11/2023. The appellants have not filed this application within the stipulated period of limitation i.e. within 90 days. However, it transpires from the application that sufficient and genuine reason for not bringing legal representative on

record are explained by the appellants.

6. The delay has been satisfactorily explained. Hence, I hold that it is justified to condone the delay caused in bringing L.R.'s of deceased respondent no.1 on record. In the result following order is passed.

ORDER

1. The application is allowed.
2. The delay in bringing legal representatives of deceased respondent no.1 Sarjerao Shankar Kalugade on record stands condoned.

Date:- 29/09/2025

(A. H. Kashikar)
Adhoc District Judge-1, Islampur.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : S.W.Pathan, (Steno Grade-I)
Court Name : Adhoc District Judge-1 & Addl.
Sessions Judge, Islampur.
Date of Order : 29/09/2025
Signed by P.O. on : 29/09/2025
Uploaded on : 29/09/2025