

ORDER BELOW EXH. 56 IN R.C.S.NO. 200/2019
(Chandrabhaga alias Shubhani Patil Vs. Rajakka Patil and others)
CNR No.MHSN05-00867-2019

Present application is filed by the plaintiff for condoning the delay caused in bringing the legal heir's of deceased defendant no. 3 on record.

2. Notice was issued to the proposed LR's deceased defendant no. 3. On perusal of bailiff report Exh. 60 and Exh. 61 it reveals that, notice duly served on proposed LR's of defendant no. 3. Despite service of notice, they failed to attend before the court. Hence, I am deciding this application on merits.

3. Heard Ld. Counsel for plaintiff. It is stated in the application that, plaintiff is woman and not much educated and therefore she did not have any legal knowledge. It is further contended that, during the above period there was Covid-19 pandemic. Hence, it was not possible for the plaintiff to contact her advocate. Hence, it was not possible for the plaintiff to bring the legal heirs of deceased defendant no. 3 on record within time.

4. Read the application. On perusal of death extract of defendant no. 3 at Exh.64, it reveals that, defendant no. 3 Sajjakka Balwant Patil died on 08.04.2021 and present application is filed on 11.02.2022. Therefore, there is delay of 10 months and three days for bringing the legal heir's on record. No doubt, during 2021 there was Covid-19 pandemic. Considering all fact, I am of the view that, in order to adjudicate the matter on merits and in order to resolve on controversies between the parties and after taking in to consideration cause of delay, it is just and proper to condone the delay without imposing any cost. In result, I pass the following order:-

ORDER

1. Application is allowed.
2. Delay caused in bringing legal heir's of deceased defendant no. 3 is condoned.

Islampur.
Date : 01.04.2022

(G.S.Diwan)
3rdJt.C. J. J. D, Islampur.

CERTIFICATE

I affirm that the contents of this Pdf file order is same word as per original order.

Name of Stenographer	:- Shri. M. S. Gondkar
Court Name	:- G. S. Diwan 3 rd Jt. Civil Judge (J.D) and J.M.F.C., Islampur.
Date of decision	:- 01.04.2022
Order signed by PO on	:- 01.04.2022
Order uploaded on	:- 01.04.2022