

MHSN060007042013

**R.C.S.No.192/2013**

Anuradha @ Anusaya A. Malwade
V/s.
Girish C. Malwade & Ors.

Order Passed Below Exh.102.

This is an application made for condonation of delay in bringing legal representatives on record of deceased defendant No.4 Suresh Omkar Malwade who died on 15/11/2023. It is contended that defendants are joint family members of the plaintiff. The defendants expelled the plaintiff from house. The defendants avoided to effect partition of the suit properties and stopped talking with the plaintiff. Therefore, the plaintiff could not obtain any information from the family of the defendants. Deceased defendant No.4 did not appear in the present suit. Therefore, the plaintiff could not obtain information regarding death of defendant No.4. Consequently, his legal representatives have not brought on record within the period of limitation. As such, the plaintiff has not caused delay purposefully in making present application. Hence, she prayed for condonation of delay caused in bringing legal representatives of deceased defendant No.4 on record.

02. Defendant No.1 and 2/A are filed their say on overleaf of the application contending that reasons mentioned in the application are not cogent. Hence, appropriate order may be passed subject to costs.

03. Heard both sides. Perused record it appears that defendant No.4 Suresh Omkar Malwade who died on 15/11/2023. His death certificate is produced on record at Exh.101. The suit is

instituted for partition, declaration and permanent injunction. Considering reasons mentioned in application and nature of the suit, it is necessary to condone delay in bringing legal representatives of deceased defendant No.4, on record. Hence, following order.

ORDER

1. Application is allowed.
2. Delay caused in bringing legal representatives of deceased defendant No.4 on record is condoned subject to costs of Rs. 200/- to be deposited in Legal Aid account.

Miraj
Dated : 12/12/2024

(V. V. Khulape)
Jt. Civil Judge Junior Division,
Miraj

CERTIFICATE

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

Name of the Stenographer. : S. K. Jadhav, Grade-3
Court. : Jt. Civil Judge Junior
Division and J.M.F.C. Miraj
Dictation Date : 12/12/2024
Order signed by
the Presiding Officer on. : 12/12/2024
Order uploaded on. : 13/12/2024