

ORDER BELOW EXH.56 IN R.C.S. 283/2013

(Raosaheb Tardale Vs. Tatyasaheb Tardale etc, 12)

Perused application filed by plaintiff for condonation of delay. According to plaintiff present suit has been filed for partition and separate possession. During the pendency of the suit defendant No.8 died on 30-11-2014. The presence of legal representatives of defendant No.8 is necessary for final adjudication. However, matter is pending in the High Court, Bombay. Moreover plaintiff does not have knowledge to bring the L.Rs. on record. Therefore there is delay to this application. Hence plaintiff prays for condonation of delay.

2. The application is resisted by the L.Rs. of defendant no.8 by filing of their say vide Exh.69. According to them plaintiff has deliberately delayed to bring L.Rs. on record. The ignorance of law is not sufficient cause to condone the delay. Hence they prayed for rejection of application.

3. Heard Ld. Advocate for the plaintiff as well as L.Rs. of defendant No.8. It is not disputed that delay has been caused. Suit is filed by the plaintiff for partition and separate possession. Presence of L.Rs. of defendant No.8 is necessary for final adjudication. Though there is some delay it can be compensated in terms of cost. If the application is rejected, it will cause the multiplicity of proceedings. In order to avoid multiplicity of proceedings and final adjudication of the dispute I pass the following order:

ORDER

The application is allowed subject to payment of cost of Rs.1000/-(Rs. One thousand only) to L.Rs. of defendant No.8.

Date: 16.12.2016
Miraj.

Sd/-16.12.16
(V. R. Patil)
Civil Judge, J.D. Miraj

ORDER BELOW EXH.58 IN R.C.S. 283/2013
(Raosaheb Tardale Vs. Tatyasaheb Tardale etc, 12)

Read application and say. Heard both parties. Delay is condoned subject to payment of costs of Rs.1000/-. In order to avoid multiplicity of proceedings and in the interest of justice application is allowed.

Date: 16.12.2016
Miraj.

Sd/-16.12.16
(V. R. Patil)
Civil Judge, J.D. Miraj

ORDER BELOW EXH.60 IN R.C.S. 283/2013

(Raosaheb Tardale Vs. Tatyasaheb Tardale etc, 12)

Read application and say. Heard both parties. This is suit for partition. Presence of L.Rs. of defendant No.8 is necessary for final adjudication of the dispute. Hence the application is allowed subject to compliance of order below Exh.56. If the plaintiff fail to comply the order below Exh.56 till next date the application deemed to be rejected.

Date: 16.12.2016
Miraj.

Sd/-16.12.16
(V. R. Patil)
Civil Judge, J.D. Miraj