

**ORDER BELOW EXH.88**

This is an application filed by plaintiff for condonation of delay for taking Legal heirs of defendant No.6 Eknath Dada Deokar on record.

02. It is the averment and submission of Ld. counsel for the plaintiff that the delay has caused to acquiring death certificate of defendant No.6 Eknath Dada Deokar. Therefore, delay has been caused to bring the legal heirs of Defendant No.6. Defendant No.6 Eknath Dada Deokar was died on 24.08.2018 and his legal heirs are necessary party for effective adjudication of matter in hand on merits. Hence, plaintiff prayed for condonation of delay. Per contra, ld. counsel for the defendants filed their say and strongly objected instant application. Hence, they prayed for rejection of this application.

03. Heard both the parties in consonance of their respective pleadings and documents. Perused record, it reflect that defendant No.6 Eknath Dada Deokar was died on 24.08.2018. The Death Certificate of defendant No.6 is at Exh.95. The death and legal heirs of defendant No.6 are not in dispute. The application shows that there is a delay of more than five years. No doubt, the legal heirs of defendant No.6 are necessary party for fair adjudication of matter in hand. The delay shall be condoned by imposing realistic costs. Therefore, I proceed to pass following order;

**ORDER**

Application at Exh.88 for condonation of delay is hereby allowed subject to costs of Rs.300/- payable to defendants.

Vita.  
Date: 03.10.2024.

(M.Sharique A.U. Rahman)  
Jt. Civil Judge Jr. Division, Vita,  
Tal.Khanapur, Dist.Sangli.

**CERTIFICATE**

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

Name of Stenographer	:-	S.V. Gaikwad,
Name of the Court	:-	M.S.A.U. Rahman, Jt.Civil Judge Jr.Dn.,& J.M.F.C. Vita. Tal:-Khanapur.
Date of decision	:-	03.10.2024
Signed by P.O. on	:-	03.10.2024
Uploaded on	:-	05.10.2024.