

ORDER BELOW EXH.90 IN R.C.S. NO.342/2013

(Arjun Barangule etc Vs. Innus Bagwan etc)

[CNR No.MHSO12-000427-2013]

1) Plaintiffs have filed this application for condonation of delay for bringing legal heirs on record. It is the contention of plaintiffs that, during pendency of the suit plaintiff No.2 died on 21.09.2020. Legal heirs of plaintiff are not well educated, so also there was lock down due to Covid-19 pandemic disease. As such, there is delay in bringing legal heirs of deceased plaintiff no.2 on record. Therefore, suit of plaintiffs is abated. Right of legal heirs is vested in suit property, hence it is necessary to bring them on record. Accordingly, prayed for condonation of delay and setting aside abatement order.

2) Defendants strongly objected the application by filing say. It is their contention that, reasons mentioned in application are not true. Application is not tenable. From year 2020 plaintiffs have sought adjournments from time to time. In spite of having knowledge of death, in order to prolong the matter with malafide intention plaintiffs have filed this application after long delay. No specific reasons are given for the delay caused. Right to sue does not survive. Application deserves to be rejected with costs. Hence, prayed for rejecting the application. Alternatively, prayed for imposing heavy costs.

3) Perused application and say. Perused record of the suit. Heard both. It is not disputed that, plaintiff No.2 Govind Narsing Barangule died on 21.09.2020. Death certificate is filed below Exh.93. The suit is filed for dis-mortgage of suit property and for injunction. Right of legal heirs is vested in the suit property. Due to pandemic disease Covid-19 there was lock down from time to time. The reasons mentioned in application are believable. Sufficient cause is shown by plaintiffs to condone the delay. However, the delay caused in bringing

legal heirs on record can be compensated in terms of money. Hence, it will be just & proper to allow the application by imposing certain costs. Hence, following order is passed.

ORDER

1. The application is allowed subject to costs of Rs.200/- (Rs. Two hundred only).

Date : 16/02/2022

Sd/- xxx
(**Sampurna K. Karande**)
Jt. Civil Judge, Sr. Div., Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : R.P. Sakinal, Steno. Grade-2
- b) Court : Jt. Civil Judge Sr. Div. and
Addl. C.J.M., Barshi.
- c) Date of Judgment/Order : 16.02.2022
- d) Judgment/Order signed by
the Presiding Officer on : 16.02.2022
- e) Judgment/Order uploaded on : 16.02.2022