

ORDER BELOW EXH. NO. 26 IN R.C.S. No. 30/2023
(Bandu Tamboli and Ors. Vs. Kallappa Annappa Mhetre)

Plaintiffs/original defendants have filed application for condonation of delay in moving the application for bringing Legal Representatives of deceased original defendant Bandu Tamboli on record. Called say of defendants/original plaintiff.

2. As per the contention in application, original plaintiff has filed suit for perpetual injunction. During the pendency of the suit, original plaintiff/defendant has been died. Plaintiffs(counter-claim) have not purposefully delayed filing the application. Due to unavailability of documents, they cannot take his legal representatives on record within stipulated period. Accordingly, they prayed for condonation of delay.

[3] Original plaintiff filed his say on application and contended that, the reason mentioned in the application is not true and correct. Therefore, he prayed for rejecting the application. If application is allowed, be imposed cost on them.

[4] It seems from perusal of the record that, the suit is of the year 2023. Plaintiffs have caused a great delay for filing this application. But, it is cherished principle of law that, everyone should get chance to lead their case. A party cannot be refused just relief because of some mistake, negligence, inadvertence on his part. As the present suit is filed for perpetual injunction, the legal representatives of deceased original defendant need to be added, as a party in this suit. In view of reasons, it is essential to condone the delay. As far as, question of delay is concerned, it can be compensated by awarding costs to plaintiffs/original defendant. Hence, the following order :

ORDER

- 1] Application is hereby allowed, subject to cost of Rs.300/-.
- 2] Cost amount be given to original plaintiff till next date.
- 3] The delay will be condoned, after depositing of cost.

Date : 17.01.2026.

(M.S. Mali)
Jt. Civil Judge, Jr. Div., Mangalwedha

CERTIFICATE

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

(a) Name of the Stenographer : P.T. Jadhav.

(b) Name of the Court : C.J..J.D., Mangalwedha, Dist. Solapur,

(c) Order signed by P.O. on : 17.01.2026

(d) Order uploaded on : 17.01.2026