

**ORDER BELOW EXH. 22 IN R.C.S. NO.3/2020**

The application is filed by advocate for plaintiff for condoning the delay for bringing the legal representative of the deceased plaintiff.

2 Perused the application. Heard both sides. The defendants filed say and objected the application on the ground that no just and proper reason has been mentioned in the application. So, she prayed to reject the application.

3 As per contention in the application date of death of plaintiff is 26.10.2020 and the application is filed on 26.08.2022 i.e that beyond the period for bringing legal representatives of deceased as prescribed by the law of limitation.

4 The suit is for perpetual injunction. It is contention in the plaint that suit property is self acquired property of himself and defendant is obstruction his possession over the suit property.

5 The application is supported by affidavit stating that due to Corona Pandemic she could not get death certificate of the plaintiff and could not meet her advocate within time. The grounds mentioned in the application disclose that the applicant had sufficient cause which prevented her from making application for bringing her on record. Therefore, the delay needs to be condoned. At the same time, the delay caused by the applicant can not be brushed aside. So, I am imposing costs on her.

6 Thus, considering all above aspects it is necessary in the interest of justice to allow the application. In result, I pass the following order.

**ORDER**

The application is allowed subject to cost of Rs. 100/- to be paid to the defendant.

**Patan**  
**Dt. 07.01.2023**

**(P. D. Bhirde)**  
**2<sup>nd</sup> Jt. Civil Judge, J.D.,Patan.**