

R.C.S.No.83/2013**ORDER BELOW EXH.202**

1. The present application is filed by the plaintiff under Article 5 of Limitation Act for condonation of delay for adding the legal heirs of defendant no. 7 in the present suit.
2. It is contended by the present applicant that due to some unavoidable circumstances he could not add legal heirs of defendant no. 7 to the present suit within stipulated period.
3. The plaintiff further submitted that it is not his intention act and there are sufficient and genuine reasons for condonation of said delay in filing his application.
4. The plaintiff further contended that if the said delay is not condoned he will deprive from his legal rights to defend the defendants claim.
5. The present application is objected by the defendants.
6. I have heard Ld. Advocates for both side at length. So also, I have perused the present application, say filed thereto by the defendants and the relevant document filed by both side record.
7. In order to decide the fate of present application, it would be warranted and scrutinize and appreciate the facts of present matter in the light of specific provisions of Article 5 of Limitation Act and recent

judicial trend in this regard.

8. Thereafter, on perusal of relevant record and considering material aspect in this regard it reveals that in order to avoid multiplicity of litigation and with intent to adjudicate instant controversy in its finality, the present application requires to be allowed as prayed. Hence, I proceed to pass the following order.

ORDER

1. The present application stand allowed as prayed. On failure to comply this order, the present suit shall be restored at its original stage.
2. Parties to expedite the matter.

Date : 15/01/2022

(S.D.Dabhade)
Civil Judge S.D. Palghar