

MHTH170043552023



Order Below Exh. 43 IN R. C. S. No. 143/2023
(Shaileja Pimple Vs. Narayan Machhi & Ors.)

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This is an application by plaintiff for condonation of delay for taking legal heirs of deceased defendant No. 2. It is submitted by the applicant that, defendant No. 2 Narayan Babu Machhi died on 06.08.2025. Defendants were not aware about the legal heirs of the Plaintiff. Therefore, they failed to take legal heirs of plaintiff on record within stipulated time. Delay is not intentional. It is necessary to take legal heirs of deceased on record. Hence prayed for condoned the delay for taking legal heirs on record. Hence prayed for allow the application.

02. Defendants have filed say and order may be passed interest of justice.

03. Heard. Perused material on record. The plaintiff has filed death certificate of defendant No. 2 on record. There is delay by the plaintiff to take legal heirs on record. Right to sue survives. The delay can be compensated by saddling cost upon the applicants. Hence, in the interest of justice I pass following order.

ORDER

01. Application below **Exh. 43** is allowed subject to cost of Rs. 300/- to be paid to defendants.
02. The delay is hereby condoned after payment of cost.

Date : 30.04.2026.
Place: Palghar

(Sujata R. Bandal)
Jt. Civil Judge Jr. Division,
Palghar.