

COMMON ORDER BELOW EXH.42 & 45 IN R.C.S. NO. 22/2014

(Dipak Gulabrao Khairkar Vs. Asha Manohar Bawankar & ors.)

1. These are an applications moved by the plaintiff for condonation of delay and to implead legal heirs of deceased defendant No.2 i.e. Sunil Gulabrao Khairkar. The plaintiffs have contended that, the defendant No.2 had died on 01/09/2019 and thereafter due to lockdown said fact was not communicated to the counsel of plaintiff. Hence, they prayed for condonation of delay and permission to bring the LR's on record.

2. The learned advocate for defendant No.1 has filed say and given no objection. Record shows that, notice was issued to the proposed LR's, which were duly served vide Exh.43 & 44 but they have not turned up and raised any objection.

3. Perused the record. It reveals that, the present suit is for declaration and perpetual injunction. Further, suit is in was question regarding immovable property. Further, the defendant has not disputed the death of defendant No.2 nor the legal heirs have raised any objection.

4. So, considering the reasons mentioned in the applications and considering the nature of the dispute I hold that, if the legal heirs of defendant No.2 are impleaded then there will be no prejudice to the defendants. So considering all above things I proceed to pass the following order.

ORDER

1. Applications are allowed.
2. The delay caused to bring the LRs of defendant No.2 on record is hereby condoned subject to cost of Rs.100/- payable to defendants.
3. The plaintiff is permitted to implead the proposed LRs as party defendant and to make necessary amendment and file the amended copies of plaint within stipulated period.
4. Parties are directed to expedite the matter.

Karanja (Gha.)
Date:- 06/10/2023

(V.S. Wagh)
Civil Judge, J.D. Karanja (Gha.)
Dist. Wardha