

COMMON ORDER BELOW EXH. 39 & 40 IN R.C.S. NO.05/2020

(Shriram Mahadev Hingawe V/s. Waman Mahadev Hingawe)

1. The plaintiff No.2 has moved these applications for condonation of delay and to implead legal heirs of deceased defendant No.1 i.e. Waman Mahadevrao Hingawe. The plaintiff No.2 contended that, the defendant No.1 has died on 29/03/2023 and thereafter he has gathered the information regarding legal representatives. He further contended that, due to his old age he could not gathered the information within time. Hence, he prayed for condonation of delay and permission to bring the LR's on record.

2. Record shows that, notice was issued to the proposed legal heirs of deceased defendant No.1. The notice was duly served but none have appeared.

3. Perused the record. It reveals that, the present suit is for partition and perpetual injunction. Further, record shows that, waman has died on 29/03/2023 and thereafter, the present application are filed on 21/07/2023. So from the record, it seems that, there is delay of some days. So, considering the reasons mentioned in the applications and considering the nature of the dispute I hold that, if the legal heirs of deceased defendant No.1 have to be impleaded. Hence, I proceed to pass the following order.

ORDER

1. Applications are allowed.
2. The delay caused to bring the LRs of defendant No.1 on record is hereby condoned.
3. The plaintiff No.2 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:- 03/05/2024

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