

COMMON ORDER BELOW EXH. 13 & 14 IN R.C.S. NO.15/2023
(Tilakchand Bisaniram Paliwal V/s. Omprakash Bisaniram Paliwal)

1. This is a suit filed through Power of Attorney Holder. These are an applications moved by the POA for condonation of delay and to implead legal heirs of the plaintiff i.e. Tilakchand Bisaniram Paliwal. It is contended that, the plaintiff has died on 03/08/2024. It is also contended that, inadvertently the legal heirs of deceased plaintiff were not impleaded. It is also contended that, the delay is not intentional. It is further contended that, if the legal heirs are not impleaded then there will be irreparable loss. Hence, he prayed for condonation of delay and permission to bring the LR's on record.

2. The defendant has filed say and contended that, the reason mentioned for the delay is not proper. Considering above aspect he prayed for rejection of both application.

3. Perused the record. It reveals that, the present suit is filed on behalf of Tilakchand Bisaniram Paliwal through his POA. Further it reveals that, the Power of Attorney Holder is a son of Tilakchand. Record shows that, the suit is for partition and separate possession. The death certificate filed on record shows that, Tilakchand has died on 03/08/2024.

4. From the record, it seems that, there is delay of two months. The Power of Attorney/Legal Heir of deceased Tilakchand has contended that, inadvertently there is delay caused. The present suit is for partition and involves question regarding immovable property. So,

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considering the reasons mentioned in the applications and considering the nature of the dispute I hold that, if the legal heirs of deceased Tilakchand are impleaded then there will be no prejudice to the defendant. Further, the defendant can be very well compensated for the delay. 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 plaintiff Tilakchand Bisaniram Paliwal on record is hereby condoned subject to cost of Rs.300/- (Three Hundred Rupees) payable to defendant.
3. The legal heirs are permitted to implead themselves in present matter as legal heir of deceased plaintiff and are directed to make necessary amendment, file the amended copies of plaint within stipulated period.

Karanja (Gha.)
Date:-15/02/2025

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