

COMMON ORDER BELOW EXH. 61 and 62 IN R.C.S. NO.31/2014
(Tulshiram Rewatkar V/s. Nagarpanchayat, Karanja (Gha.))

1. These are an applications moved by the plaintiff for condonation of delay and to implead legal heirs of deceased plaintiff No.1 i.e. Tulshiram Bajirao Rewatkar. The plaintiff No.2 contended that, the plaintiff No.2 had died on 24/06/2016 and thereafter he has gathered the information regarding legal representatives. He further contended that, he himself is already party to the suit, he was not having knowledge of legal complexity which occurred after the death of plaintiff No.1 and so could not informed to his counsel. Plaintiff has further contended that, if the legal heirs are not impleaded then he will suffer irreparable loss. Hence, he prayed for condonation of delay and permission to bring the LR's on record.

2. The defendant No.1 has filed say and denied the entire contentions. Per contra, contended that plaintiff No.1 has died in the year 2016 and present applications are moved after the expiry of limitation period. Further, contended that, the reason mention is not proper, sufficient cause for delay is not given. Hence, prayed for rejection of applications.

3. Perused the record. It reveals that, the present suit is for declaration and perpetual injunction. Further, suit is in was question regarding a water well. Record shows that, suit is filed by deceased Tulshiram and his son Nilkanth. The plaintiff No.2 by way of present applications have contended that, his father Tulshiram has died on

24/07/2016. The defendants have not disputed the aspect regarding death of plaintiff No.1. After going through the contentions, it seems that, the present plaintiff No.2 though being party to the suit has not done the needful within stipulated time.

4. From the record, it seems that, there is delay of more than four to five years. The plaintiff No.2 has contended that, he could not inform his counsel about the death of plaintiff No.1. The suit involves question regarding water well. So, considering the reasons mentioned in the applications and considering the nature of the dispute I hold that, if the legal heirs of plaintiff No.1 are impleaded then there will be no prejudice to the defendants. Further, the defendants 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 No.1 on record is hereby condoned subject to cost of Rs.1000/- payable to defendants.
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.