

COMMON ORDER BELOW EXH. 61 and 62 IN R.C.S. NO.16/2017

(Marotrao Vyavhare V/s. Aruna Kale & ors.)

1. These are an applications moved by the plaintiff for condonation of delay and to implead legal heirs of deceased defendant No.3 i.e. Kunda @ Priti Pralhadrao Navghare. The plaintiff contended that, the defendant No.3 had died on 18/04/2021 and the defendants have moved pursis Exh.60 on record. It is further contended that, after the death of defendant No.3, the other defendants have not informed about her death and the plaintiff got knowledge from his wife and pursis filed on record. Thereafter he has gathered the information regarding legal representatives. He further contended that, he was not having knowledge and had given information to his counsel on 24/06/2022. 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 LRs on record.

2. The defendants have failed to file say below Exh.61. Notice was issued to the proposed legal heirs and report filed on record shows that, they were duly served but had not turned up.

3. Perused the record. It reveals that, the present suit is for partition and separate possession. The suit in was question regarding immovable property. Further, record shows that, the defendant No.3 has died on 18/04/2021 and the other defendants vide pursis Exh.60 dated 24/06/2022 has intimated about her death. The defendants have not disputed the aspect regarding death of defendant No.3. After

going through the contentions, it seems that, the present plaintiff has not done the needful within stipulated time.

4. From the record, it seems that, there is delay of more than one years. 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.3 are impleaded then there will be no prejudice to the defendants. Further, from the record, it is evident that, the delay was not intentional. So considering all above things I proceed to pass the following order.

ORDER

1. Applications are allowed.
2. The delay caused to bring the LR's of defendant No.3 on record is hereby condoned.
3. The plaintiff is permitted to implead the proposed LR's of deceased defendant No.3 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.

sd/-

Karanja (Gha.)
Date:- 01/12/2023

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