

Order below Exh.21

(on 20-10-2016)

01. This is an application for condonation of delay to brought Lr's on record. According to the applicant/plaintiff he has filed suit for possession and removal of encroachment alongwith mandatory injunction. Unfortunately, defendant No.2 died and suit proceeded ex-parte against him. Plaintiff got the knowledge on 26.07.2015. He has not exact knowledge in respect of date of death of deceased Ramkrushna. This application is filed by wife namely Sakhubai Ramkrushna Gawande of deceased Ramkrushna his widow and two sons namely Ramrao Gawande & Laxman Gawande. He has three daughters namely Sau.Chitrabai Sham Gure, Sau. Anusaya Baban Korade & Sau. Laxmi Rameshwar Ugle, they are legal heirs of deceased Ramkrushna. He has no other legal heirs except this applicant. If they were not brought on record they were cause irreparable loss. Therefore, he prayed for condonation of delay.

02. Defendant No.1 filed say to this application and strongly opposed this application. Applicant wrongly and intentionally mentioned the death of deceased was 26.07.2015. He has every knowledge in respect of death of Ramkrushna. There is delay of 272 days and there was no any reasonable explanation given by applicant, he resides adjacent to the deceased. As this application is not bona fide therefore, liable to rejection.

03. Heard learned Advocate Shri V.P.Wable on behalf of plaintiff and Shri B.B.Jillawar on behalf of defendants quite at length.

04. Admittedly, deceased Ramkrushna died on 26.07.2015. Applicant yet to brought Lr's on record within limitation. However, he did not brouhgt said Lr's on record and there is a delay of 272 days. Definitely it was a large delay. But generally parties are farmer and living in remote area. There may be lake of knowledge. In my opinion the law procedure of hand made of justice if application strait way rejected then definitely heavy loss will be caused to the applicant. Generally, justice should not be denied and taking very liberal view in applicant. In my opinion this application can be allowed by imposing some heavy cost. According I am inclined to pass the following order.

ORDER

01. The application is hereby allowed.
02. The delay of 272 days is hereby condoned furnishing cost of Rs.1000/-
02. The applicant is directed to furnish cost within 15 days from this application.

Dated : 20.10.2016.

(Sharad Deshpande)
Jt. Civil Judge (Jr.Dn.),
Pusad