

CNR No.MHYA24-000183-2025

ORDER BELOW EXH.15

- 1) This is an application by proposed L.R's of decree holder no.1 and by other decree holders to condone the delay of 1 year caused for bringing legal heirs on record of the deceased Decree Holder no.1 namely Janardan Hari Maske and for permission to bring L.R's on record and these proposed L.R's contend that Decree Holder no.1 has died on 01/03/2024 and his advocate was unaware about the death of Decree Holder No.1 and applicants are also unaware about the procedure for taking legal heirs on record therefore they did not contact with the counsel of the deceased decree holder no.1. Thereafter, the case was transferred from Kelapur court to Wani Court and court issued notice to decree holder no.1 therefore, they contacted with the counsel. Legal heirs should have been taken on record within stipulated period and this application has been filed and there is delay of 1 year which happened due to ignorance of the parties and due to transfer of the case.
- 2) This has been opposed by Judgment debtor no.1 to 3 through A.G.P vide their overleaf say by contending that, the reasons mentioned in the application are not sufficient and legal one. Hence, they pray for rejection of application.
- 3) Perused entire record.
- 4) This is Execution as per the award passed in L.A.R.25/2006 for recovery of compensation amount of acquired land by three decree holders for recovery of Rs.4,69,600/-.

5) The perusal of the record further reveals that decree holder no.1 was one Janardan Hari Maske and he has died on 01/03/2024 and it is supported by death certificate vide Exh.19 list. Moreover, the Exh.19 list also contains heirship certificate issued by Police Patil, Jharpat in favour of applicants herein as L.R's of deceased Janardan Hari Maske.

6) Considering the death of decree holder no.1 and applicants being prima facie his heirs as widow and children and survival of their right to sue.

7) Decree holder no.1 has died on 01/03/2024 and this application should have been filed within 30/05/2024. However, the present application has been filed on 09/10/2025 and there is delay of more than 16 months which has been explained as inadvertently which is a sufficient cause.

8) Hence, considering reasons stated above, I proceed to pass following order;

ORDER

- 1) The application Exh.15 is hereby allowed and delay of 16 months are hereby condoned.
- 2) Proposed L.R's no.1 to 3 are allowed to be brought on record as legal heirs of decree holder no.1.
- 3) Existing decree holders to amend execution petition accordingly within 14 days and file amended copy.
- 4) Cost in cause.

Date: 19.12.2025

(P. S. Jondhale)
Civil Judge (Sr. Dn.),
Wani.