

MHSCA20020272022



IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT - 27

IN

R.A.D. SUIT NO. 1072 OF 2022

Sarjerao Abaji Kamble

.... Plaintiff

V/s.

M/s. Srinath Realty and others

.... Defendants

Appearances:

Mr. Abhay D Thorat, Learned Advocate for Plaintiff

Mr. Hassan Ullah Ikfan Khan, Learned Advocate for defendants

Coram : Nutan S. Saraf, Judge

Court Room No.8

Date : 17th June, 2026

ORDER:

1. This is an application filed by the applicant for extension of time to carry out amendment. It is contended by him that the applicant has filed the above said suit for declaration of joint tenancy and / or tenancy in common in respect of the suit premises. During the pendency of the suit, plaintiff namely Sarjerao Abaji Kamble was died on 10.06.2024 leaving behind his brother and sister as the legal heirs and representatives to the said suit premises of Abaji J. Kamble. Death certificate of plaintiff issued by the BMC is annexed. It is further contended by him that plaintiff's other brother namely Suresh Abaji Kamble has taken out applications i.e. Exhibit-25 and 26 for bringing legal heirs on record of this suit, which was passed by this Court vide order dated 18.09.2025. But since then the other legal heirs did not brought on the record on this suit. Therefore, the present application to condone the delay of 120 days in approaching

this Court for amendment and taking on the record schedule legal heirs of this case.

2. It is further contended by applicant that the delay was caused on account of health of the applicant being senior citizen as well as on the account of advocate on record of this case as his health was also not good during this mentioned period. No prejudice would be caused to the respondents. Hence, prayed to allow the applicant to carry out the amendment in the cause title of suit as per the schedule annexed and condone the delay of 120 days to approach the Court and carry out amendment.
3. Defendant No. 4 filed his reply vide Exhibit-28 and raised objection by contending that the present application is a classic example of the casual and cavalier approach adopted by the applicant. It is further contended by him that the applicant has himself admitted that there has been an inordinate delay and that without any cogent or sufficient reasons, he has failed to comply with the Order dated 18.09.2025 passed by this Court. The said conduct clearly demonstrates that the applicant has shown scant regard for and has failed to adhere to the directions issued by this Court.
4. It is further contended by him that the alleged reasons set out in the present application are wholly unsupported by any documentary evidence whatsoever. Not a single medical document has been produced to substantiate the alleged illness. The applicant has merely made vague and unsubstantiated statements regarding the alleged medical condition of himself and his advocate apparently with a view to evoke sympathy from this Court. The defendant No. 4 denied each and every averments made in the application in toto. Hence, prayed to dismiss the application with compensatory costs.

5. Perused the application and reply. Heard both sides. At this juncture, in the interest of justice, the prayer of the applicant has to be considered. If the applicant is allowed to carry out the amendment by extending time, no prejudice would be caused to the defendants. In the interest of justice, it is just and proper to carry out said amendment. Hence, this Court proceed to pass the following order:

ORDER

1.	Application at Exhibit-27 is allowed.
2.	Time to carry out amendment vide order dated 18.09.2025 is extended for 14 days from the date of this order.
3.	Delay in carry out amendment is hereby condoned.
4.	Both parties to take note of this order.
5.	Cost in cause.

Date: 17th June, 2026

(Nutan S. Saraf)
Judge,
Court Room No. 8

Order directly dictated on PC : 17.06.2026
Order checked & signed on : 17.06.2026