

Order below Exh. 51 in Spl. C. S. No. 1505/2015

1. This is an application filed by the plaintiff for setting aside abatement, condonation of delay and bringing legal heirs of deceased defendant No.7.

2. According to plaintiff he has filed this suit for declaration and for other reliefs. During the pendency of this matter the defendant No. 7 has expired on 02/05/2011. But said fact was not within the knowledge of the plaintiff. Hence, this application for setting aside abatement, condonation of delay and bringing legal heirs of deceased defendant No. 7.

3. The defendant Nos. 5, 6, 8 and 9 have filed reply to this application below Exh. 53. According to them plaintiff has not filed separate applications for prayer made in this application. The plaintiff has knowledge about the death of deceased defendant No.7 since beginning. But intentionally he has filed this application at belated stage. Hence, prayed that application may be rejected.

4. I have heard. Ld. Adv. Appearing for the plaintiff and defendants. No doubt the defendant No. 7 has expired on 02/05/2018. This application is filed in the year 2019. But considering reason stated in the application as well as in the interest of justice I proceed to pass the following order-

ORDER

1. The application Exh. 51 is allowed.

2. Abatement for bringing legal heirs of deceased defendant No. 7, if any, is set aside.
3. Delay is condoned and permission is granted to plaintiff to carry out the amendment in the plaint and bring legal heirs of deceased defendant No. 7 on record till next date.
4. No order as to costs.

(S.S.Kadam)

Dt. 25/06/2024

11th Joint Civil Judge, Sr. Dn., Pune.

Certificate

I affirm that the contents of this P.D.F. File judgment / order are same word for word as per original judgment / order.

Name of Steno	:	Shri. K.D.Mehare, Grade II - Steno
Court Name		Shri. S.S.Kadam 11 th Jt. CJSD, Pune
Date	:	25/06/2024
Judgment / order signed by P.O. On	:	25/06/2024
Judgment / order uploaded on	:	25/06/2024