

ORDER BELOW EXH.31 IN R.C.A. NO.110/2024
(Siddheshwar Khashaba Babar & Anr. vs. Kundlik Khashaba Babar & Ors.)
(CNR No.MHSN170003752020)

1. This is an application for condoning delay in filing application to bring legal heirs of deceased appellant No.2 Pratap Khashaba Babar on record and for setting aside deemed abatement. Perused application. No say filed by other side. Heard Ld. Counsel for the appellants.

2. It reveals that appellant No.2 Pratap Khashaba Babar died on 27.11.2024. Death certificate filed with list Exh.35 supports the said fact. It is contention of the appellants that deceased appellant No.2 was looking after the present matter and their family members had no idea about it. The appellants are illiterate and they have no knowledge of law that legal heirs will have to be brought on record within period of 90 days and failure to do so, results into abatement of appeal. Their mental condition was not good due to death of appellant No.2. They have not made delay deliberately for bringing legal heirs of deceased appellant No.2 on record. If application is allowed, no damage will be caused to the respondents. Considering the reason of delay and the fact that proposed legal heirs are necessary for just adjudication of the matter, delay can be condoned and abatement order can be set aside and the appellants can be allowed to carry out amendment in appeal memo. Hence, I pass the following order.

: O R D E R :

1. Application Exh.31 is allowed.
2. Abatement is set aside for bringing legal heirs of appellant No.2 on record.
3. Application Exh.31 disposed of accordingly.

Vita
dt.12.09.2025

(R.R.Bhagwat)
District Judge-1,Vita

CERTIFICATE

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

Name of Stenographer	: H.G. Sutar (Steno Grade-I)
Court	: DJ-1 & Addl. Sessions Judge, Vita.
Date of order	: 12.09.2025
Signed by Presiding officer on	: 12.09.2025
Uploaded on	: 12.09.2025