

MHAH170045612016

RCS No.349/2016



*Kisan Nivrutti Kharde & Ors. Vs.  
Babasaheb Bhagwat Kharde & Ors.*

**COMMON ORDER BELOW EXH.91 AND 92**

1. Proposed legal heirs of deceased plaintiff No.2 have filed present applications for condonation of delay for taking legal heirs of deceased plaintiff No.2 and setting aside abatement order. To avoid the repetition the contents of the applications are not mentioned here.
2. Defendants have opposed the applications by filing say at Exh.99 and 100, respectively and submitted that the applications are not legal, correct and proper. The reason mentioned in the application is not correct. Hence, application be rejected.
3. I have heard both sides. Perused record. Record shows that plaintiff No.2 died on 01/04/2025 and present applications are filed on 10/07/2025. It means there is only 9 days delay. According to the applicant their brother was died and they were in trauma. However, record shows that deceased plaintiff No.2 was husband and father of proposed legal heirs and not brother. Further, deceased plaintiff No.1 who was brother of deceased plaintiff No.2 is died since long back. Hence, the reason mentioned in the application that brother of plaintiff was died and applicants were in trauma is not proper. But admittedly deceased plaintiff No.2 was husband and father of

proposed legal heirs. Therefore, there appears possibility having trauma with proposed legal heirs. Hence, there appears reasonable ground for preferring application late. Hence, considering short delay applications deserve to be allowed. Therefore, I pass the following order -

**ORDER**

1. Applications are allowed.
2. Delay is hereby condoned and abatement is hereby set aside.
3. Considering the short delay no order as to costs.

Date:- 07/01/2026

( N. N. Joshi )  
2<sup>nd</sup> Jt. Civil Judge Senior Division,  
**Rahata, Dist.Ahmednagar**

**CERTIFICATE FOR UPLOADING TO CIS**

I affirm that the contents of this P.D.F File are same word to word, as per the original.

Name of the Court	:	<b>Smt. Neha N. Joshi</b> 2 <sup>th</sup> Jt. Civil Judge Senior Division & Addl. Chief Judicial Magistrate, Rahata, Dist.Ahmednagar.
Name of the Stenographer	:	<b>Amol S. Nannaware</b> Stenographer (Grade-II)
Dictated on computer	:	07/01/2026
Typed on	:	07/01/2026
Checked & Signed on	:	07/01/2026