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Sahebrao Haribhau Gade and  
others

**Vs.**

Bhausahab Rangnath Shete and  
others

**ORDER PASSED BELOW EXHIBIT-73**

The application is filed by plaintiff No. 1 for condonation of delay in bringing the legal representatives of defendant No. 2 Ganpat Rangnath Shete and defendant No. 4 Nanasaheb Rangnath Shete on record. Defendant Nos. 1 and 3 filed their say backleaf of the application. Heard both the sides.

2. As per the contents of the application itself it appears that defendant No. 2 Ganpat passed away on 20/08/2022 and defendant No. 4 Nanasaheb passed away on 24/05/2024. The present application is filed on 28/01/2025. The suit was automatically abated against defendant No. 2 Ganpat and defendant No. 4 Nanasaheb after 90 days from the date of their death i.e. on 18/11/2022 and 22/08/2024.

As per Article 121 of the Limitation Act, 1963, the limitation period to set aside abatement in a legal suit is 60 days from the date of abatement. It was necessary on the part of the plaintiff No. 1 to file the application for condonation of delay in setting aside abatement order within 60 days from the date of abatement against defendant Nos. 2 and 4 and also for setting aside the abatement. The present application is not tenable without setting aside the abatement of the suit against defendant Nos. 2 and 4. Moreover, without condoning the delay for setting aside abatement of the suit against defendant Nos. 2 and 4, the automatic

abatement of suit against them cannot be set aside. Hence, without any applications for condonation of the delay in setting aside abatement order as per section 5 of the Limitation Act, 1963 and also for setting aside the abatement, the present application is not maintainable in the eyes of law. Thus, the application stands rejected.

Rahuri, Dist. Ahmednagar.  
Date: 09/10/2025

**(Aditya K. Shinde)**  
3rd Jt. Civil Judge (J. D.),  
Rahuri.