

Dispute No. 477/2015**COMMON ORDER BELOW EXH.19, 20 & 21.**

These are applications filed by disputant to condone delay and setting aside abatement order of opponent No.1. The legal heir of opponent No.1 appeared in the matter and raised objection by filing his say at the back side of these applications.

2. It is contended in the application that the opponent No.1 was died on 14/11/2016 as per information given by counsel of opponent no.1 on record dated 8/11/2024. The disputants have no knowledge about death of opponent No.1. The disputants got knowledge of death of the opponent no.1 dated 8/11/2024. Hence, disputant prayed to condone delay, to bring legal heirs on record and set aside abatement.

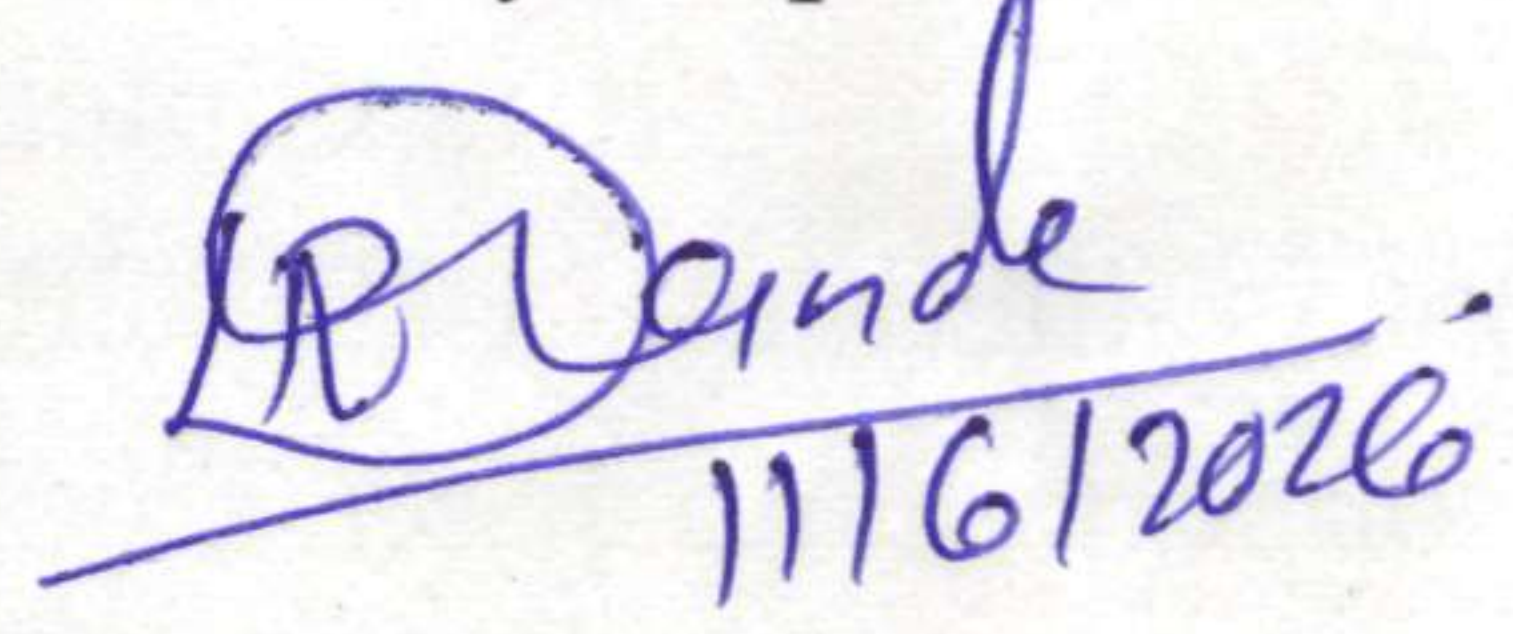
3. The opponent no.1 submitted that application is barred by limitation. The advocate for opponent no.1 has supplied copy of death extract and there after disputants got knowledge about death of opponent no.1. The advocate of disputant has not informed death of opponent no.1 to the court. The disputant failed to take steps and bring legal heirs on record. Hence, opponent prayed to reject the application.

4. The application to bring the legal-representative of the deceased party needs to be filed within the period of 90 days from the date of death as prescribed by Art.120 of the Limitation Act. In the present case the opponent No.1 was expired on 14/11/2016 thereafter on 4/9/2024 and 13/1/2025 present applications were filed along with application to bring legal heir on record. The disputants submitted that they have no knowledge about death of opponent No.1. The advocate for opponent informed disputants about death of opponent no.1 during pendency of proceeding. The reason mentioned by the disputants to condone delay is sufficient. Therefore application filed by disputants deserves to be allowed. However, considering delay on the part of disputants, cost needs to be imposed on disputants. Hence, I proceed to pass following order :

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-: ORDER :-

- (i) The application at Exh.19, 20 & 21 are hereby allowed subject to costs of Rs.7,000/- be paid to other side.
- (ii) The delay is condoned and order of abatement is set aside after payment of costs. The cost is to be paid on or before next date.
- (iii) The disputant is directed to take necessary steps till next date.


11/6/2026

(Smt. Pankaja P. Ajgaonkar)
Judge,
Co-operative Court, Nagpur.

Nagpur.
Dated : 11/6/2026.