



By the present application, the plaintiff has prayed for condonation of delay in filing the application for setting aside the abatement and for bringing the legal representative of deceased defendant no.1 on record.

2. It is contended that, defendant no.1 has died on 25.08.2025 and subsequently it came to the knowledge of the plaintiff that he is survived by his wife, sons and his daughters. Deceased defendant no.1 wife and two sons are already on record. Hence, it is necessary to bring on record the remaining legal representative of deceased defendant no.1 for the effective adjudication of the dispute and for avoiding any technical objection at the time of execution. Plaintiff is an aged and illiterate village lady and was not aware on legal requirements or the particulars of the legal representative of deceased defendant no.1. After obtaining the relevant revenue record and ascertaining the names of legal representative of the deceased defendant no.1, the present application came to be filed without further delay.

3. Defendants vide have filed to their say and objected the application contending that plaintiff was aware of the death of defendant no.1 as well as the identity of his legal representative since long. Hence, prayed for to reject the application.

4. Heard Learned Advocate Shri.V.L.Patil for plaintiffs and Learned Advocate Shri.V.A.Pawar for defendants. Perused the application and say filed by the defendants.

5. The record shows that defendant no. 1 expired in the year 2025 and the present application has been filed after delay. However, the law is well settled that procedural rules are intended to advance the cause of justice. The question before the court is whether the proposed legal representative are necessary parties for complete and effective adjudication of the controversy. If the legal representative are not brought on record, any decree ultimately passed may give rise to further litigation and difficulties in execution. The objection regarding delay by itself is not sufficient to reject the application, particularly when no valuable right of the defendants is taken away. The defendants shall have full opportunity to contest the proceedings after implemented. The delay can be compensated by awarding costs. Hence, the application deserves to be allowed subject to payment of costs.

ORDER

1. Application vide Exh. 294 is allowed.

2. The delay in filing an application for bringing legal representative of deceased defendant no.1 on record be condoned, after the payment of costs of Rs.500/- to the defendant nos.1 to 4.

Date :- 15/07/2026.

(Harshada S. Admane)
Jt. Civil Judge Jr. Division,
Shindkheda Dist. Dhule.

CERTIFICATE

I certify that the contents of this PDF file are word to word as per Original Order.

Name of the Stenographer: Sachin A. Pardeshi,
Name of the Court : Jt. Civil Court J. D., Shindkheda,
PDF Uploading date : 15/07/2026.

Sd/-xxx

Stenographer (Grade-III)