

MHKO010004242001.



COMMON ORDER BELOW EXH NOS. 99,100 and 101 IN
REG. CIVIL APPEAL NO.252/2002

Prakash Bhikaji Lade - Appellant

Vs.

State of Maharashtra

& Ors - Respondents

1. The appellants have filed application at Exh.99 for delay condonation in bringing the L.Rs of Respondent No.4 Sudhatai Vasant Narke who died on 05/01/2025. Application at Exh.100 is filed for setting aside abatement and application at Exh.101 is filed for bringing her daughter on record.

2. According to the appellant, he had no idea that it was necessary to bring legal heirs on record as death of Sudhatai was known to him. When he received information in respect of her death, the applications are filed immediately. Ld. Advocate for the appellant argued accordingly.

3. Respondents and legal heirs filed say at Exhs. 103 and 104 and contested the application on the ground that there is other legal heir Sanjay Narke. Sudha expired leaving behind son Sanjay, but his name is not included in the application. The appellant has not

mentioned how much delay needs to be condoned and there is no specific reason given for condoning the same. Respondents later on filed pursis stating that out of two legal heirs, one of the legal heir is already on record as respondent No.3. Ld. Advocate Mr. Patil argued as per his say.

4. Heard both the sides and perused the record. As per death certificate, Sudhatai Vasant Narke expired on 05/01/2025. Respondent No.3 Sanjay Vasant Narke is her son, who is already on record, therefore there is no abatement. Right to sue survives and it is necessary to bring her daughter on record as mentioned in the application. There was no pursis filed in the matter stating that Sudhtai had expired, therefore appellant could not have known about her demise. All the applications are supported by an affidavit. Considering the nature of litigation, it is necessary to bring L.Rs on record by condoning the delay. As there is no abatement and appellant had no knowledge of the death of respondent No.4, I pass following order:

ORDER

1. Application at Exh.99 is allowed and delay is condoned.
2. Application at Exh Nos.100 and 101 are allowed. In addition to Mrs. Vidya Patil, respondent No.3 be also shown as legal heir of respondent No.4 Sudhatai Narke.
3. Appellant is directed to carry out necessary amendment and to furnish amended copy within stipulated period.

: 3 :

4. Costs in the cause.

Kolhapur
Date : 17/11/2025

(Aparna S. Waikar)
District Judge-4, Kolhapur.

: 4 :

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

Name of the Stenographer	Mrs. S. R. Tambvekar
Name of Court	Mrs. Aparna S. Waikar, District Judge-4, Kolhapur.
Date of Dictation	17/11/2025
Order signed by the P.O. on	17/11/2025
Order uploaded on	17/11/2025