

MHKO070009942019



**REGULAR CIVIL SUIT NO.83/2019**  
**Shri Balaso Patil & Oth. - Vs. - Shri Suresh Padiyar & Oth.**  
**ORDER BELOW EXH. NO.47**

This is an application filed by plaintiffs for condonation of delay in taking legal heirs of the deceased defendant No.1 on the record of the present suit as well as and setting aside abatement order against deceased defendant No.1. Defendants filed their say overleaf the said application. Heard the learned advocates for both sides.

2] Plaintiffs contended that defendant No.1 is died on 30/11/2023. Plaintiffs failed to get information about death of defendant No.1 within time. Resultantly, delay is caused for taking legal heirs of deceased defendant No.1 on the record of the present suit.

3] Perusal of the death certificate of deceased defendant No.1 shows that the date of his death is 30/11/2023 and the present application is filed on 13/03/2024. Thus, there is delay in bringing legal heirs of deceased defendant No.1 on the record of the present suit. However, in order to enable the court to effective and complete adjudicate upon and settle all the questions involved in the suit, it would be justifiable to condone the delay as well as to set aside abatement order against plaintiffs for taking legal heirs of deceased defendant No.1 on the record of the present suit. However, at the same time delay caused for taking legal heirs of deceased defendant No.1 needs to be compensated. Hence, the application is allowed subject to cost of Rs.100/- (Rupees One Hundred only) to be given to defendants.

Place – Jaysingpur.  
Date – 25/09/2024

( **Smt. Renuka D. Gaikwad** )  
Joint Civil Judge Junior Division,  
Jaysingpur, Tal. Shirol, Dist. Kolhapur.