



ORDER PASSED BELOW EXH.48
IN REGULAR CIVIL SUIT NO.127/2015

[CNR No.MHKO090005242015]

The present application is filed by the plaintiff for condonation of delay and for setting-aside abatement. It is the contention of the plaintiff that the defendant Balu Rau Kadam was died on 05.11.2025 and there is delay of 28 days to bring his legal heirs on record. The plaintiff used to reside at Mumbai with his family and he was medically operated due to knee problem, therefore, there is delay to bring the legal heirs on record. The delay caused to bring legal heirs is not intentional and therefore, it be condoned and abatement be set-aside.

2. Per contra, the application is opposed by the defendant on the ground that there is intentional delay to bring the legal heirs on record. Therefore, the application is liable to be rejected.

3. Heard both the sides. It is well-settled principle that while condoning the delay, the approach of the Court should be lenient and it is not always necessary to explain the delay of each day. In the case at hand, the defendant Balu Rau Kadam was died on 05.11.2025 and there is delay of 28 days to bring his legal

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heirs on record. In the present case at hand, the valuable rights of the defendant are involved. Abatement results into denial of hearing on merit. Thus, I pass the following order :-

ORDER

- 1] Application is allowed.
- 2] The delay is hereby condoned and the abatement is set-aside.

Place : Gadhinglaj.
Date : 26.02.2026.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj