

MHKO100002222018



Order passed below Exh. 28

This is an application by the plaintiff for setting aside abatement and to condone delay in bringing legal heirs of deceased defendant no. 10 namely Sonabai Shankar Karling on record who died on 23/03/2018.

2. Read the application and say filed thereon. Heard Ld. Adv. Shri. Shinde. Other side is absent. It transpires that, deceased Sonabai Shankar Karling died on 23/03/2018. This application is filed on 20/03/2019. There is delay of 253 days in bringing LR's on record. Every days delay is not specifically explained however it appears that, the plaintiff came to know about the death of defendant No. 10 after receipt of summons report. It is also submitted that, much time has been vested in obtaining information of LR's. The suit is filed for partition and possession therefore it is necessary to include all necessary parties in the suit to decide the dispute finally. It will also help to avoid multiplicity of judicial proceeding. Hence, considering the reasons mentioned in the application and nature of dispute, I pass following order.

ORDER

- 1) Application Exh. 28 is allowed subject to cost of Rs. 500/-
(Rs. Five Hundred Rupees only) to be paid to defendant No.
4 & 5.
- 2) Delay is condoned for bringing LR's of deceased defendant
No.10 Sonabai Shankar Karling on record
- 3) C.O.A.

Date : 03/10/2019
Place : Gadhinglaj

(M.T. Kharade)
2nd Jt. Civil Judge Jr. Division
Gadhinglaj