

MHKO110000011986



Reg. Civil Suit No. 77/1986.
(CNR No.MHKO110000011986)

Order Below Exh. 158.

(Bharmappa Bandule and others Vs. Ramu Musale and others)

01. The present application is made by the plaintiff for setting aside abatement and condoning the delay caused for taking legal representatives of deceased defendant no.1-B namely Vilas Ramu Musale and defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale, on record.

02. The plaintiffs further submitted that, they instituted the present suit for the relief of completion of the sale deed of the suit property as per the agreement. It is further submission of the plaintiffs that, on 17/10/2025 defendants filed an pursis on record submitting that, defendants no.1-B was demised on 01/05/2022 and defendant no.1-D was demised on 19/09/2021. Then plaintiffs came to know about the death of these defendants. So in the interest of justice, presence of legal representatives of deceased defendants is necessary and hence they prayed to allow the application by setting aside the abatement and condoning the delay caused to bring on record, legal representatives of deceased defendant no.1-B and defendant no.1-D.

03. Defendants filed their say vide **Exh.160** and strongly objected the present application. It is further submission of the defendants that, reasons mentioned in the application are not reasonable. There is a delay near about four to five years, to make the present application. So, they prayed for the rejection of the application. Alternatively, they prayed for heavy costs.

04. Read application and perused record. Heard to learned advocate appearing for the plaintiff. On perusal it reveals that, the plaintiffs have filed the suit for completion of the sale deed of the suit property as per the agreement. It is also observed that, defendants filed the pursis vide **Exh.154**, submitting that, defendant no.1-B and defendant no.1-D are demised. So, in order to enable the Court to effectively and completely adjudicate upon and settle all questions involved, it is necessary to have on record the presence of the proposed party. At the same time, delay caused for taking the legal representatives of deceased defendants on record, by the defendants can not be ignore. Costs should be imposed, while providing an opportunity to them. Hence, I proceed to pass the following order -

ORDER.

1. The applications vide **Exh.158** hereby allowed, subject to costs of Rs.500/- (Rs. Five Hundred), it be paid to Legal Aid, Peth-Vadgaon.
2. The abatement order against defendant no.1-B namely Vilas Ramu Musale and defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale, is hereby set aside.
3. The delay occurred in bringing the legal heirs of deceased defendant no.1-B namely Vilas Ramu Musale and defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale, on record as mentioned in this application is hereby condoned.
4. Application is disposed off accordingly.

Date : 25/06/2026.

(**S. A. Kulkarni.**)
Jt. Civil Judge Junior Division]
Peth-Vadgaon.