



R. C. S. NO. 172/2000

MHKO110000031974

Bapusaheb Patil Vs. Babu Patil

COMMON ORDER BELOW EXH. 179, 180 AND 181

These are applications filed by the plaintiffs praying to set aside the abatement of the suit as against plaintiff No.2E, Shivgonda Paygonda Patil, and, inter alia, seeking permission to bring his legal heirs on record by condoning the delay.

2. It is submitted that, during the pendency of the suit, plaintiff No.2E, Shivgonda Paygonda Patil, died on 21.06.2025. After his death, the right to sue survives to his legal heirs. However, the legal heirs of plaintiff No.2E could not contact the learned advocate and bring their names on record within the stipulated period. Hence, for condonation of the delay caused in filing the application to bring the legal heirs on record and for setting aside the abatement of the suit, the plaintiffs have filed these applications.

3. Say of defendants was called for, however they did not file any say.

4. Heard learned advocate for plaintiff.

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5. It appears from the submissions and the documents on record that plaintiff No.2E, Shivgonda Paygonda Patil, died on 21.06.2025. The right to sue survives to his legal heirs. The suit is for possession. Therefore, in view of the death of plaintiff No.2E, I pass the following order,

ORDER

1. Applications are allowed.
2. The abatement of the suit as against plaintiff No.2E, Shivgonda Paygonda Patil, is set aside.
3. Permission is granted to bring the legal heirs of plaintiff No.2E on record on or before the next date.
4. Plaintiff to carry out necessary amendment in the plaint and file an amended copy within next date.

Date: 09.07.2026
Peth-Vadgaon

(R. K. Deshpande)
Civil Judge Junior Division,
Peth-Vadgaon