

**COMMON ORDER PASSED BELOW EXHIBIT
NOS.85,86 and 87 IN R.C.S. NO.103/2014**

(CNR No.MHKO110003272014)

01. By the aforesaid applications, the plaintiff is seeking liberty to bring legal representatives of the deceased defendant No.6 on record by setting aside abatement and condoning delay.

02. The defendant Nos. 16 to 20 have filed their say on same application at Exh.85 and 86, but they have not filed say on Exh. 87, hence no say order passed against defendants. Defendant No 1 to 15 not filed their say. Hence no say order passed against them.

03. I have heard the learned advocate for plaintiff and defendant at length.

04. The plaintiff has stated that there are no other legal representatives of the deceased defendant No.6 except those are mentioned in the instant application. The applications are supported by an affidavit. Admittedly, the defendant No.6 Maruti Ganu Khondre is died on 28.12.2018 and his son Sambhaji Maruti Khondre is also died on 07.07.2018 instant applications are filed on 16.04.2019. Therefore, the plaintiff ought to have file instant application within period of 90 days from the date of death of deceased defendant No.6. On perusal of applications, the reason mentioned lack of knowledge of law is sufficient to condone the delay. Thus, considering the circumstances of the

instant case and for proper adjudication of the matter, I am of the considered view that it is necessary to allow the applications to bring legal representatives on record by setting aside the abatement so caused and condoning delay subject to some cost. Hence, I proceed to pass the following order.

-: ORDER :-

1. Applications are allowed.
2. The abatement caused in bringing legal representatives of the deceased defendant No.6 on record is hereby set-aside subject to payment of cost of Rs.300/- each to be paid to the defendants No. 16 to 20.
3. The plaintiff is allowed to bring legal representatives of the deceased defendant No.6 on record within period of 14 days.

Date 20.11.2019.

(Smt.Pankaj B.Rajput),
Jt. Civil Judge,Jr.Dn.,
Peth-Vadgaon.

CERTIFICATE.

I affirm that the contents of this P.D.F. File Judgment/Order are same,word to word,as per the original Judgment/Order.

Name of the Stenographer	Mrs. Rajashri Rajendra Sawant (L.G.)
Name of Court	Smt.Pankaj B.Rajput Jt. C.J.J.D. and J.M.F.C., Peth Vadgaon.
Date of Dictation	20.11.2019.
Judgment signed by the P.O. on	20.11.2019.
Judgment/Order uploaded on	28 .11.2019.