



ORDER BELOW EXH.85 in RCS No. 103/2014

CNR Number is MHKO110003272014

(Passed on 10/02/2020)

1. Through this application, Plaintiff prayed for condoning delay caused for bringing legal heirs of deceased defendant No. 6 Maruti Ganu Khondre who died on 28/12/2017, on record. Delay is of more than 12 month and 15 days. In fulfilling family responsibilities, time has gone away.
2. Other side replied (Exh.85) in contesting style and argued to reject application with costs. Heard both sides.
3. Having gone through the application, nature of the proceeding and fact that delay to bring on record is of more than 12 month and 15 days to bring heirs, I am inclined to allow the application by imposing costs and to proceed on merits instead of technicalities. It is to advance justice and bury injustice. Resultantly, following order.

ORDER

1. Application at Exh. 85 is allowed with costs of ₹300/- (Rupees Three Hundred Only).
2. Delay caused for bringing legal heirs of deceased defendant No. 6 Maruti Ganu Khondre died of more than 12 month and 15 days is hereby condoned. Costs in cause.
3. The amount of costs be given to defendants.

(C. S. Deshpande)

Jt. CJJD, Peth-Vadgaon.

Date :- 10/02/2020



ORDER BELOW EXH.86 in RCS No. 103/2014

CNR Number is MHKO110003272014

(Passed on 10/02/2020)

1. Through this application (Exh.86), Plaintiff prayed for setting aside abatement caused due to demise of deceased defendant No. 6 Maruti Ganu Khondre who died on 28/12/2017.
2. Other side replied (Exh.86) in contesting style and argued to reject application with costs. Heard both sides.
3. Having gone through the application, nature of the proceeding and the fact that death occurred on 28/12/2017, it is better to proceed on merits instead of technicalities in this age old suit. Hence, I am inclined to allow the application. Resultantly, following order.

ORDER

1. Abatement order to bring legal heirs of deceased defendant No. 6 Maruti Ganu Khondre is set aside. Costs in cause.

Date :- 10/02/2020

**(C. S. Deshpande)
Jt. CJJD, Peth-Vadgaon.**



ORDER BELOW EXH.87 in RCS No. 103/2014

CNR Number is MHKO110003272014

(Passed on 10/02/2020)

1. Through this application, Plaintiff prayed for permission to record names of legal heirs of deceased defendant No. 6 Maruti Ganu Khondre.
2. Other side replied in contesting style and argued to reject application with costs. Heard both sides.
3. Deceased defendant No. 6 Maruti Ganu Khondre died on 28/12/2017. Proceeding was abated against him. Said order is set aside today. Delay of more than 12 month and 15 days is condoned. Right to sue is survived by legal heirs named in this application in the form of widow, son and daughter of deceased defendant No. 6 Maruti Ganu Khondre.
4. Application is supported by an affidavit. The reason mentioned in the application appears to be just which prevented defendant legal heir for bringing legal heirs of deceased defendant No. 6 Maruti Ganu Khondre on record earlier. As such, I am inclined to allow the application. Resultantly, following order.

ORDER

1. Application is allowed. Costs in cause.
2. Plaintiff is permitted to add names of legal heirs of deceased defendant No. 6 Maruti Ganu Khondre as prayed in plaint (Exh.1). Necessary amendment be carried and copies be supplied.

Date :- 10/02/2020

**(C. S. Deshpande)
Jt. CJJD, Peth-Vadgaon.**

C E R T I F I C A T E

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	Shri. R. P. Moraskar
Name of Court	Shri. C. S. Deshpande Jt.C.J.J.D., Peth-Vadgaon.
Date of Dictation	10/02/2020
Judgment Signed by the P.O. on	10/02/2020
Judgment uploaded on	11/02/2020