

MHKO110022412021



**Order Below Exh. 42 In**  
**RCS No. 226/2021**

**Rahul Jaykumar Dhanwade and Ors.**  
**v/s**  
**Ashok Vasant Chougule and Ors.**

The present applications are filed by the plaintiffs for bringing the legal heirs of the deceased plaintiff No.2 on record by setting aside the abatement. The defendant has filed his say on the overleaf of the same application and prayed that necessary order be passed.

**02.** Perused the record. Heard the learned advocate for plaintiffs and defendants at length.

**03.** The Advocate for the plaintiffs submitted that, the plaintiff No.2 Helan Vasant Chougule has demised on 18/06/2025. Therefore, the legal heirs of plaintiff no.2 ought to have been brought on record. However, due to lack of knowledge about law and for work purpose the plaintiff is out of city, he could not reach the Advocate for giving documents. There is a delay and it is not deliberate. Therefore, they prayed to allow the said application.

**04.** The advocate for the defendants has strongly objected to the said application but prayed that the necessary order may be passed in the interest of justice.

**05.** On perusal of record it appears that, the present suit is filed for partition and permanent injunction against the defendants. Issues are framed below Exh. 37 and the matter is posted for evidence of the plaintiffs. The plaintiffs have filed death certificate of deceased plaintiff no. 2 on record. On perusal of the death certificate it appears that the plaintiff No.2 has demised on 18/06/2025. There is delay of 5 days for taking the legal heirs of plaintiff no. 2 on record. The reason given by the plaintiff

does not seem to be justified.

**06.** However, considering the fact and circumstances of the present case, for proper adjudication in the matter and to avoid the multiplicity of proceeding, it is necessary to allow the application to bring legal heirs on record by setting aside the abatement so caused. The delay of 5 days is already condoned. There is no need to impose the costs. No loss or prejudice will be caused to either parties if the present application is allowed. Hence, in the interest of the justice, the following order is passed :-

### **ORDER**

<b>1.</b>	Application at Exh. 42 is allowed.
<b>2.</b>	The abatement caused in bringing the legal heirs of the deceased plaintiff no. 2 on record is set aside.
<b>3.</b>	No order as to costs.

**Date : 13/11/2025**  
**Place: Peth-Vadgaon**

sd/-  
**( R. S. More)**  
**3<sup>rd</sup> Jt. Civil Judge J. D., Peth-Vadgaon**