



**FINAL DECREE No. 01/2011**

Bapu Patil Vs. Ramchandra Patil

CNR - MHKO130007112011

**ORDER BELOW EXH. 83**

**(Dt.25/03/2021)**

1. This is the application of Decree Holder filed for setting aside the abatement caused due to the death of Judgment Debtor No.2 and for condonation of delay caused for bringing the legal heirs of Judgment Debtor No.2 on record within time.
2. As per the Decree Holder, Judgment Debtor No.2 is died on 10/04/2019. There is delay of 5 months 9 days for bringing legal heirs on record. Therefore, this application is filed.
3. The Judgment Debtor's have resisted the application and have denied all the contentions made in the application. At the end, Judgment Debtor have prayed to reject the application.
4. Heard both sides.
5. Death certificate of the Judgment Debtor No.2 Suresh Bhosale is on record which denote that, Judgment Debtor No.2 is died on 10/04/2019. The current application is filed on 19/12/2019. Thus, it clears that, there is the delay caused for bringing legal heirs of Judgment Debtor No.2 on record. The application is preferred under Order 22 Rule 9(2) of the Code of Civil Procedure. In my view considering the nature of the application, the current application needs to be allowed as for determining the prayer claimed in main application presence of all parties is necessary. However, for the delay caused some amount of fine should be imposed on the Decree

Holder. In the result, following order is passed-

**ORDER**

1. The application (Exh.83) is allowed.
2. The abatement caused due to the death of Judgment Debtor No. 2 is set aside and the delay caused for bringing legal heirs of Judgment Debtor No. 2 on record is condoned subject to cost of Rs.200/- payable to Taluka Legal Aid, Kagal within 7 days from today.
3. In the peculiar facts and circumstances, there is no order as to costs.

Kagal.  
Date:- 25/03/2021

**(A.B.Jawale)**  
Civil Judge Junior Division,  
Kagal.