

MHLA010011852012



R.C.A. No.100261/2012

Rukminbai Hanumant Jidde

Vs.

Shiv Chatrapati Shikshan Sanstha

ORDER BELOW EXH.102

Perused application. This application has been filed by the advocate for applicant for setting aside the abatement, if any, caused because of not bringing the applicant on record as legal representatives of deceased appellant Shankar s/o. Hanmantrao Jidde after his death. According to him, the original appellant Rukminibai Hanmant Jidde died on 21.01.2017. Her son Shankar s/o. Hanmantrao Jidde died on 15.05.2008. After the death of Rukiminibai the legal representative of deceased Shankar and other sons and daughters of Rukminibai were brought on record as legal representatives of Rukminibai. However, the present applicant Savita Santosh Bhale was intentionally avoided to be brought on record as legal representative of deceased Shankar Hanmantrao Jidde, though she is his daughter. Being a legal representative of deceased Shankar Jidde, she is a necessary party. Her valuable rights in the suit property are involved. She did not have knowledge about pendency about this appeal. She prayed that, her application be allowed.

2. The advocate for appellant filed his no objection to this application. However, it is submitted by advocate for respondent that, this application filed at belated stage just to prolong the appeal. Hence, it is submitted that, necessary order be passed.

3. Heard both sides. Perused the record. Record shows that,

after death of deceased Rukminibai all her legal representatives, except applicant were permitted to come on record. This means that the delay, if any, caused in bringing those legal representatives on record has been condoned and the abatement has been set aside. If this is so there is no reason for praying to set aside the abatement. Moreover, deceased Shankar Jidde died before the death of Rukminibai. Hence, there is no question of any abatement caused due to the death of Shankar.

4. The status of applicant at present in this appeal is that of a third party or an intervener. She has no reason to pray for setting aside abatement. Hence, in my considered opinion, this application is not required and same is required to be filed. I therefore pass the following order :

ORDER

This application is filed.

Date : 14/08/2026.

(R. B. Bhagwat)
District Judge-2,
Latur.