

MHLA010022442017



M.C.A.No. 66/2017

Rama Limba Shinde

Vs.

State of Maharashtra through

Collector Latur

**Order Below Exhibit-34**  
**(Passed on 08.01.2026)**

This application is for setting aside the abatement for bringing the L.Rs. on record of appellant/original defendant Rama Limba Shinde who died on 29/09/2021 in appeal filed against order passed below application Exh-5 dated 14.08.2017.

2] Learned advocate Shri. P.D. Dede submits that respondent 2 died on 21.09.2021 and the appellant plaintiff was totally unaware about it. The delay is not at all intentional and 02 years and 28 days delay has been caused, for bringing the L.R's on record. Hence, he prays to condone the delay of 02 years and 28 days and set aside abatement order. He has also filed supporting affidavit to substantiate his claim.

3] Learned Advocate Shri. A.D. Mane for non-applicant 6 strongly opposed this application.

4] Heard Learned Advocates, Shri. P.D. Dede for the appellant/original defendant and Shri. A.D. Mane for non-applicant 6

5] Perused the record. Learned Advocate Shri. P.D. Dede submits that appellant/original defendant died on 21.09.2021 and has filed death certificate in that regard. Delay

does not appear to be deliberate or intentional

6] The reasons assigned for delay is satisfactory and proper. Today I have condoned the delay in filing the application for bringing the legal heirs on record.

7] It is necessary to mention that no harm, prejudice or injustice will be caused to the appellant/original defendant, if application is allowed. Per contra irreparable loss may be caused to the non-applicant/ original plaintiff, if it is not allowed. That apart, it will be in the interest of justice to allow this application so that the non-applicant/original plaintiff can put up his case. This will be helpful for the just and fair adjudication of the dispute of this case on merits. In result, following order is passed.

**Order**

- 1) This application (Exhibit 34) stands allowed.
- 2) Abatement caused in bringing the legal heir of deceased appellant/original Rama Limba Shinde on record is hereby set aside.

Date:08.01.2026.

(S.T. Tripathi)  
District Judge-2,  
Latur