



Reg. Civil Suit No. 316/2016
(Manohar Vs. Bapurao & Anr.)

ORDER BELOW EXHS. 57
(Passed on 16.06.2025)

1. This is an application filed by the plaintiff and thereby sought for bringing LRs of deceased defendant No.1 viz. Bapurao Vishwanath Honrao on record.
2. By way of this application, the case put forth by the applicant, in brief, is that defendant No.1 has died on 30.09.2024. Therefore, his LRs i.e. three sons i.e. Baswaraj Bapurao Honrao, Yuvraj Bapurao Honrao and Anil Bapurao Honrao and two daughters viz. Dharamavati Bapurao Honrao and Renuka Bapurao Honrao being the only surviving heirs, needs to be taken on record. According to him, the suit is for partition and therefore incorporation of the above LRs of deceased defendant No.1 is necessary for complete adjudication of the instant matter. Hence this application.
3. The learned advocate for the defendants has failed to file his say, though given ample opportunities. Hence considering the extreme age of the matter vis-a-vis failure of the defendants to file their say, I have taken up this application for decision without their say.
4. Heard learned advocate for the applicant for some time. Perusal of application along with record prima facie it appears that on 30.09.2024 defendant No.1 has left for heavenly abode and the instant application is moved on 20.01.2025, i.e. after almost 1 year. However, the plaintiff has taken no pains to even move an application seeking delay condonation and setting aside abatement as well. Further, they did not put a single reason for such delay. However, the application is supported by affidavit. It is submitted that the names mentioned in the application are the only LRs of

the deceased. Though the reason does not seem to be so plausible, still in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the applications and by condoning delay and setting aside abatement, the LRs of deceased defendant No.1 needs to be taken on record. However, considering the delay caused to move this application and as the trial resulted in protraction vis-a-vis non filing of applications for delay condonation and setting aside abatement, some costs needs to be imposed upon the plaintiff while allowing this application. With theses considerations, the application needs to be allowed. In result, following order is passed :

ORDER

- 1) The application (Exh.57) is allowed subject to costs of Rs.1000/- to be paid in the Court itself on or before next date.
- 2) The plaintiff to carry out necessary amendment and file amended plaint after payment of above costs amount.
- 3) The above costs amount is a condition precedent for the progress of the suit.
- 4) Issue summons in the relevant form to the LR's of the deceased defendant No.1
- 5) Parties to take note.

(Bhalchandra R. Zende)
3rd Jt. Civil Judge (J.D.),
Udgir.

Date : 16.06.2025