

MHLA110000392024



COMMON ORDER BELOW EXH.20 & 24
IN REG. CIVIL SUIT NO.25/2024
BALIRAM VS. COLLECTOR & ORS.

1. Perused the applications and say filed thereon. Heard Ld. Counsel for both sides.
2. Ld. Counsel for the plaintiff submitted that plaintiff Baliram s/o. Sagan @ Sadhan Kolekar is died on 29/02/2024. However, L.Rs. of plaintiff belatedly got death certificate of plaintiff and heirship certificate, therefore, he failed to bring the legal representatives of deceased plaintiff Baliram s/o. Sagan @ Sadhan Kolekar on record within limitation. As he could not file the present applications within the prescribed period of limitation, he prayed to set-aside the abatement and to condone the delay for bringing the legal heirs on record.
3. Defendants resisted the applications and prayed to reject the applications on costs.
4. Plaintiffs have filed this suit for declaration of ownership and perpetual injunction. Therefore, it is clear that, right to sue survives to the legal representatives of deceased plaintiff Baliram s/o. Sagan @ Sadhan Kolekar. The applications are supported with affidavit of plaintiff, therefore, considering the reasons mentioned in the applications, it will be just and proper to condone the delay for bringing the legal heirs of deceased plaintiff Baliram s/o. Sagan @ Sadhan Kolekar on record and to set aside the abatement. Hence, I proceed to pass the following order:-

ORDER

- 1) Application Exhibit Nos.20 and 24 are allowed subject to cost of Rs.200/- (Rupees Two Hundred only).
- 2) Delay in bringing L.Rs. of deceased plaintiff

Baliram s/o. Sagan @ Sadhan Kolekar on record is hereby condoned.

- 3) L.Rs. of deceased plaintiff Baliram s/o. Sagan @ Sadhan Kolekar be brought on record till next date, without fail.

Nilanga
Dt.:- 14/11/2024

(Smt. V. D. Bhosale)
Jt. Civil Judge Sr. Dn., Nilanga.