

MHLA110000772016



**ORDER BELOW EXHIBIT NO.122 IN
REGULAR CIVIL SUIT NO.99/2016
MAHEBOOB VS. SIDDHESHWAR & ORS.**

1. Perused the application. Heard Ld. Counsel for plaintiffs.

2. Learned Counsel for the plaintiff submitted that defendant No.1 Siddheshwar Tukaram Ghodake died on 12/07/2023. However, due to lack of documents, he failed to bring the legal representatives of deceased defendant No.1 Siddheshwar Tukaram Ghodake on record. As he could not file the present application within the prescribed period of limitation, he prayed to set-aside the abatement and condone the delay for bringing the legal heirs on record.

3. Plaintiff has filed this suit for perpetual injunction. Therefore, it is clear that, right to sue survives to the legal representatives of deceased defendant No.1 Siddheshwar Tukaram Ghodake. The application is supported with affidavit of plaintiff, therefore, considering the reasons mentioned in the application, it will be just and proper to condone the delay for bringing the legal heirs of deceased defendant No.1 Siddheshwar Tukaram Ghodake on record and to set aside the abatement. However, there is delay in filing this application, hence, application deserves to be allowed on heavy costs. Hence, I proceed to pass the following order:-

ORDER

- 1) Application Exhibit No.122 is allowed.
- 2) Delay in bringing L.Rs. of deceased defendant No.1 Siddheshwar Tukaram Ghodake on record is hereby condoned.
- 3) L.Rs. of deceased defendant No.1 Siddheshwar Tukaram Ghodake be brought on record till next date, without fail.

Nilanga
Dt.:- 06/12/2024

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