

MHLA110003692018



**COMMON ORDER BELOW EXH.65 & 67
IN REGULAR CIVIL SUIT NO.360/2018
VISHWAMBHAR VS. MAHADU & ORS.**

1. Perused the applications and say filed thereon. Heard Ld. Counsel for both sides.
2. Ld. Counsel for the plaintiff submitted that defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale are died on 17/10/2023 and 04/10/2022 respectively. However, due to illness of plaintiff and due to non receiving the documents, he failed to bring the legal representatives of deceased defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale 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 it with heavy costs.
4. Plaintiff has filed this suit for partition and separate possession. Therefore, it is clear that, right to sue survives to the legal representatives of deceased defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale. 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 defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale on record and to set aside the abatement. Hence, I proceed to pass the following order:-

ORDER

- 1) Application Exhibit Nos.65 and 67 are allowed

subject to cost of Rs.500/- (Rupees Five Hundred only).

- 2) Delay in bringing L.Rs. of deceased defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale on record is hereby condoned.
- 3) L.Rs. of deceased defendant No.1 and 2 namely Mahadu Maruti Usnale and Nagrabai @ Yashoda Shahajirao Gurale be brought on record till next date, without fail.

Nilanga
Dt.:- 28/11/2024

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