

MHLA110005192022



**ORDER BELOW EXHIBIT NO.55 IN  
REGULAR CIVIL SUIT NO.1037/2022  
VITTHAL VS. STATE & ORS.**

1. Perused the application and say filed thereon. Heard Learned Counsel for both sides.
2. Learned Counsel for the plaintiff submitted that plaintiff No.2 Navalbai Vitthalrao More died on 04/12/2022. However, as plaintiffs have no legal knowledge, they failed to bring the legal representatives of deceased plaintiff No.2 Navalbai Vitthalrao More on record. As they could not file the present application within the prescribed period of limitation, they prayed to set-aside the abatement and condone the delay for bringing the legal heirs on record.
3. Defendants resisted the application and contended that present application is not within limitation and reasons for causing delay is not mentioned by plaintiff. Hence, it is prayed to reject the application on cost.
4. Plaintiffs have filed this suit for perpetual injunction. Therefore, it is clear that, right to sue survives to the legal representatives of deceased plaintiff No.2 Navalbai Vitthalrao More. 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 plaintiff No.2 Navalbai Vitthalrao More on record and to set aside the abatement. However, there is huge 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.55 is allowed subject to cost of Rs.1,000/- (Rupees One Thousand only).
- 2) Delay in bringing L.Rs. of deceased plaintiff No.2

Navalbai Vitthalrao More on record is hereby condoned.

- 3) L.Rs. of deceased plaintiff No.2 Navalbai Vitthalrao More be brought on record till next date, without fail.

Nilanga  
Dt.:- 22/10/2024

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