

MHLA110007642018



**COMMON ORDER BELOW EXHS.96 AND 99 IN
REGULAR CIVIL SUIT NO.95/2015
THAKUBAI VS. BHAGIRATHIBAI & ORS.**

1. Perused the applications and say filed thereon. Heard Ld. Counsel for plaintiff.
2. Ld. Counsel for the plaintiff submitted that defendant No.14 Kalubai Gundaji Shingde died on 30/08/2018. However, due to covid-19, she failed to bring the legal representatives of deceased defendant No.14 Kalubai Gundaji Shingde on record within limitation. As she could not file the present applications within the prescribed period of limitation, she prayed to set-aside the abatement and condone the delay for bringing the legal heirs on record.
3. Plaintiffs have 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.14 Kalubai Gundaji Shingde. 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.14 Kalubai Gundaji Shingde 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 Nos.96 and 99 are allowed subject to cost of Rs.400/- (Rupees Four Hundred only) payable to defendant.
- 2) Delay in bringing L.Rs. of deceased defendant No.14 Kalubai Gundaji Shingde on record is hereby condoned.
- 3) L.Rs. of deceased defendant No.14 Kalubai Gundaji Shingde be brought on record till next date, without fail.

- 4) Issue suit summons to L.Rs. of deceased defendant No.14 Kalubai Gundaji Shingde.

Dt.:- 02/01/2026

Jt. Civil Judge Sr. Dn., Nilanga.