

MHLA110005432016



ORDER BELOW EXH.111 IN
REGULAR CIVIL SUIT NO.447/2016
SOPAN VS. VITTHAL & ORS.

1. Read the application and say filed thereon. Perused the records of the case. Heard Ld. Advocate for both sides.
2. Ld. Counsel for the plaintiff submitted that defendant No.4 Sarubai Tukaram Sirsale died on 05/03/2021. However, they could not get relevant documents within time and failed to bring the legal representatives of deceased defendant No.4 Sarubai Tukaram Sirsale on record within limitation. 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. 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 defendant No.4 Sarubai Tukaram Sirsale. 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.4 Sarubai Tukaram Sirsale 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.111 is allowed subject to cost of Rs.1,500/- (Rupees One Thousand Five Hundred only) payable to defendant Nos.5 to 7, 18 to 23.
- 2) Delay in bringing L.Rs. of deceased defendant No.4 Sarubai Tukaram Sirsale on record is hereby condoned.
- 3) L.Rs. of deceased defendant No.4 Sarubai Tukaram Sirsale be brought on record till next

date, without fail.

- 4) Issue suit summons to L.Rs. of deceased defendant No.4 Sarubai Tukaram Sirsale.

Dt.:- 05/02/2026

Jt. Civil Judge Sr. Dn., Nilanga.