

MHLA110018212022



COMMON ORDER BELOW EXH.47, 49 & 51
IN REGULAR CIVIL SUIT NO.494/2018
SHRIKANT VS. KALPANA & ORS.

1. Perused the applications and say filed thereon. Heard Ld. Counsel for both sides.
2. Ld. Counsel for the plaintiff submitted that plaintiff No.2 Pandurang Govindlal Attal is died on 25/09/2020. However, L.Rs. of plaintiff failed to inform about the death of the deceased, they failed to bring the legal representatives of deceased plaintiff Pandurang Govindlal Attal on record within limitation. As they could not file the present applications within the prescribed period of limitation, they 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 the applications on costs.
4. 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 plaintiff Pandurang Govindlal Attal. 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 plaintiff Pandurang Govindlal Attal on record and to set aside the abatement. Hence, I proceed to pass the following order:-

ORDER

- 1) Application Exhibit Nos.47, 49 & 51 are allowed subject to cost of Rs.1,500/- (Rupees One Thousand Five Hundred only).
- 2) Delay in bringing L.Rs. of deceased plaintiff Pandurang Govindlal Attal on record is hereby condoned.

- 3) L.Rs. of deceased plaintiff Pandurang Govindlal Attal be brought on record till next date, without fail.

Nilanga
Dt.:- 29/11/2024

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