



Common Order below Ex. 175, 177.
CNRNO.-MHLA150000011986

1] Present applications filed by the plaintiff for con-donation of delay, setting aside abatement order and bringing the LR's of deceased plaintiff Shahajirao Nanasaheb Solunke i.e. proposed plaintiffs 1- Sahebrao Sahajirao Solanke 2- Shivaji Shahajirao Solanke 3- Manik Shahajirao Solanke 4- Vilas Shaharirao Solanke 5- Vatsala w/o. Sampti Sawant 6- Sukshala w/o. Baburao Mane 6/1- Achut Baburao Mane 6/2- Madhav Baburao Mane 6/3- Shrihari Baburao Mane, on record & necessary amendment in the plaint. It is contented that plaintiff Shahajirao Nanasaheb Solunke was died on 24.01.2018 leaving behind his legal representatives i.e. proposed defendants. However, due to non covid-19 situation and family problem of plaintiff, plaintiff could not bring the LR's of plaintiff Shahajirao on record. However, delay of 05 years, 10 months and 04 days caused for bringing the legal representative of deceased plaintiff on record. Hence, these applications filed.

2] The defendants have not filed their say to these application, though having sufficient opportunity. Hence, these applications are going to decide on merit without their say.

3] Heard the learned Advocate for plaintiff. Perused the relevant record.

4] It reveals that the applications for bringing the LR's of deceased plaintiff on record are not made within limitation period of 90 days as prescribed by Article 120, of the Limitation Act, 1963, from the date of death of the deceased plaintiff, due to covid-19 situation and



family problem of plaintiff. However, delay of 05 years, 10 months and 04 days caused for bringing the LR's of deceased plaintiff on record and hence, present applications made by the proposed plaintiff for condonation of delay, setting aside abatement order and bringing the LR's of deceased plaintiff Shahajirao. Considering the above mentioned facts and circumstances the reason for delay is satisfactory. So also, if these applications are allowed, it will not affect the facts and circumstances of the present suit. So also, right to sue of deceased plaintiff Shahajirao is survived on the proposed plaintiffs 1 to 6/3. Hence, to decide the real controversy between the parties and to give proper opportunity, it is necessary to bring, the legal representatives of the deceased plaintiff Shahajirao on record of the suit. Hence, I pass following order.

ORDER

- 1] The applications are allowed subject to cost of Rs.500 to be paid to the T.L.S.A. Chakur
- 2] The delay for setting aside abatement order is hereby condoned accordingly.
- 3] Abatement is hereby set aside.
- 4] Plaintiffs is permitted to bring his LR's on record.
- 5] Plaintiff is directed to carried out necessary amendment within 14 days from this order.

Date: 26/09/2024.

(M.S. Luniya)
Jt. Civil Judge J.D, Chakur.



RCS No. 07/2002
Shahaji Vs.. Rajaram & ors.

C E R T I F I C A T E

I affirm that the contents of this P. D.F file order are same word for word as per original order.

Name of Steno	: M.B. Pathan
Court Name	: M.S. Luniya, Jt.C.J.J.D., Chakur.
Order Date	: 26/09/2024
Order signed by presiding officer on	: 26/09/2024
Order uploaded on	: 26/06/2024