



ORDER BELOW EXH.104.
MHLA150009932017

1. This application is filed by Plaintiff for set aside abatement order against def. no.20, 21 and 30. Defendants filed reply and opposed said application.

2. It is submitted by plaintiff that, def. 20 Dharba Pandhari, Def. 21 Deubai Mane and Def.30 Prabhakar Mane died on 25.06.2017, 05.07.2019 and 21.03.2022 respectively. Plaintiff has filed application to bring lrs. of said defendant and also filed delay condonation application. So, it is necessary to set aside abatement order. Per contra it is submitted by defendant that application is not filed within limitation. So, application be rejected.

3. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for partition and khas possession. It seems from record and death certificate that defendant no.20 Dharba died on 25.06.2017, Def. no. 21 Deubai died on 27.06.2019 and defendant no. 30 Prabhakar died on 28.10.2019. Plaintiff failed to bring lrs of said defendants within limitation. Plaintiff has also filed application for delay condonation. There is sufficient reason to set aside abatement order. Application is supported by affidavit. If application is allow then no loss will be caused to defendants. So, I pass following order.



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R.C.S. No. 197/2019
Habib Vs..
Maheboob & ors.

ORDER

Application (Exh.104) is allowed and abatement order against def. no. 20,21and 30 is set aside on payment of costs of Rs.500/- be given to the defendant no. 1,15 and 18.

Date : 04.12.2023.

(P. P. Kale)
Civil Judge Junior Division,
Chakur.



ORDER BELOW EXH.106.
MHLA150009932017

1. This application is filed by Plaintiff for bring legal representative of def. no.20, 21 and 30 as prayed in application. Defendants filed reply and opposed said application.

2. It is submitted by plaintiff that, def. 20 Dharba Pandhari, Def. 21 Deubai Mane and Def.30 Prabhakar Mane died on 25.06.2017, 05.07.2019 and 21.03.2022 respectively. Plaintiff has filed application to bring lrs. of said defendants as mention in para no. 2 of application. So, it is necessary to bring legal representative of deceased def. No 20, 21 and 30. Per contra it is submitted by defendants no. 1, 15 and 18 that application is not filed within limitation. So, application be rejected.

3. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for partition and khas possession. It seems from record and death certificate that defendant no.20 Dharba died on 25.06.2017, Def. no. 21 Deubai died on 27.06.2019 and defendant no. 30 Prabhakar died on 28.10.2019. Plaintiff failed to bring lrs of said defendants within limitation. Plaintiff has also filed application for delay condonation and it is allowed. There is sufficient reason to bring lrs of deceased defendant. Right to sue survive against said lrs of defendants. Application is supported by affidavit. If application is



allow then no loss will be caused to defendants. So, I pass following order.

ORDER

Application (Exh.106) is allowed and permission is granted to bring legal representative def. no. 20, 21 and 30 as prayed in application on payment of costs of Rs.500/- be given to the defendant no. 1, 15 and 18.

Date : 04.12.2023.

(P. P. Kale)
Civil Judge Junior Division,
Chakur.



ORDER BELOW EXH.106/1.
MHLA150009932017

1. This application is filed by Plaintiff for delay condonation for set aside abatement order def. no.20, 21 and 30. Defendants failed to file reply and opposed said application.

2. It is submitted by plaintiff that, def. 20 Dharba Pandhari, Def. 21 Deubai Mane and Def.30 Prabhakar Mane died on 25.06.2017, 05.07.2019 and 21.03.2022 respectively. However village officer have not give death certificate of deceased to plaintiff. So, there is delay to file application for set aside abatement order. So, application be allowed.

3. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for partition and khas possession. It seems from record and death certificate of defendant no.20 Dharba died on 25.06.2017, Def. no. 21 Deubai died on 27.06.2019 and defendant no. 30 Prabhakar died on 28.10.2019. Plaintiff failed to bring lrs of said defendants within limitation. Plaintiff has also filed affidavit. As per application and affidavit, village officer has not given death certificate of deceased to plaintiff and due to said reason delay has been caused. There is sufficient reason to condone delay defendant. So, I pass following order.

ORDER

Application (Exh.106/1) is allowed and delay is



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R.C.S. No. 197/2019
Habib Vs..
Maheboob & ors.

condoned as prayed in application.

Date : 04.12.2023.

(P. P. Kale)
Civil Judge Junior Division,
Chakur.