

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

LAR No. 77/2005

Shyamrao Vs. The Chairman

Order below Exh.28

The legal heir of applicant namely Marotrao s/o Daulatrao Thakre has filed an application for setting aside abatement order. Ld. Advocate of the applicant has submitted that Marotrao had expired on 30/10/2021, leaving behind his present legal heirs. The deceased Marotrao had been looking after the matter but, due to death of the Marotrao, the matter was not within the knowledge of the legal heirs of deceased Marotrao, the fact of the matter came to knowledge to the legal heirs when they got Court motion notice, hence, they could not appear before the Court. However, present legal heirs/applicants have valuable interest in the subject matter, therefore, abatement order may be set aside.

2. On the other hand, non-applicants have not filed their say.

3. Heard Ld. Advocate of the applicants. I must mention here that the reason given by legal heirs of the applicant is not just. However, in the interest of natural justice and in order to decide matter on merit, abatement order is required to be set aside subject to costs of Rs.300/- in the interest of natural justice. Hence, I proceed to pass following order.

ORDER

1) Application is allowed subject to costs of Rs. 300/-.

Ramtek.

Date : 27.02.2025

[S.M. Sarode]

Civil Judge Senior Division,
Ramtek.

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK

LAR No. 77/2005

Maroti D. Thakre Vs. The Chairman and others

Order below Exh.27

(Dated 27th day of February, 2025)

The applicant/legal heirs have filed present application for condonation of delay on record. Ld. Advocate of the applicant has submitted that Marotrao had expired on 30/10/2021, leaving behind his present legal heirs. The deceased Marotrao had been looking after the matter but, due to death of the Marotrao, the matter was not within the knowledge of the legal heirs of deceased Marotrao, the fact of the matter came to knowledge to the legal heirs when they got Court motion notice, hence, they could not appear before the Court on time therefore, delay was arisen in bringing legal heirs of deceased applicant Maroti. The delay which was arisen is not intentional delay. Therefore, delay may be condoned.

2. On the other hand, non-applicants have not filed their say.

3. Heard Ld. Advocate for applicant/legal heirs. I must mention here that reason given by applicant is not just however, in order to decide suit on merit, delay is required to be condoned in the interest of natural justice and subject to cost of Rs.300/-. Hence, I pass following order-

ORDER

1. The application is allowed subject to costs of Rs.300/- .

Ramtek.
Date : 27.02.2025

[S.M. Sarode]
Civil Judge Senior Division,
Ramtek.

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK

LAR No. 77/2005

Maroti Vs. The Chairman and others

Order below Exh.29
(Dated 27th day of February, 2025)

In view of order below Exh.27 and 28, legal heirs of deceased Shamrao is required to be taken on record. Hence, I pass following order-

ORDER

1. The application is allowed subject to compliance of order passed below Exh.27 and 28.

Ramtek.
Date : 27.02.2025

[S.M. Sarode]
Civil Judge Senior Division,
Ramtek.