

MHNG140003482017

R.C.S. No.25/2017
Suryakant VS Madhav



ORDER BELOW EXH. 111

(Dated 25th November, 2025)

The plaintiff filed this application for condonation of delay in bringing legal representative of deceased defendant No. 9 on record and for setting aside abatement if any.

2. The plaintiff submitted that the defendant has filed pursis at Exh. 107 and informed to the court that defendant No. 2 Padmakar Ramchandra Tarar and defendant No. 9 Shobhabai Harichandra Gedam have died during the pendency of the suit. defendant No. 2 died issue-less and defendant No. 9 Shobhabai died leaving behind legal heir. The defendants have not provided the information about the legal heirs of defendant No. 9 on record. Therefore the plaintiff have filed an application to direct the defendant to provide the name of legal heir name and details of the legal heir of deceased defendant No. 9.

3. On last last the defendants filed the details of legal heir of defendant No. 9 therefore the plaintiff could not moved an application to bring legal representatives on record within the stipulated period. Therefore plaintiff prayed to condone delay for

caused prayed to in bringing the legal representative of deceased defendant No. 9 on record and set aside abatement order if any. Defendant No. 11 strongly opposed the application.

4. Heard learned advocate for the plaintiff and learned advocate for the defendant.

5. The defendant No. 11 filed pursis on record at Exh. 107 and informed that defendant No. 2 died on 10.07.2025 and defendant No. 9 died on 22.08.2025 said pursis filed on 11.09.2025. Thereafter plaintiff moved application at Exh. 108 and prayed to issue direction to the defendants to provide the details and name of the legal representatives. Defendant No.11 filed pursis at Exh. 109 on 11.11.2025 with details of the legal representative of deceased defendant No. 2 and 9.

3. Today, the defendant No. 11 also filed the death certificate of defendant No. 2 and 9. On perusal of death certificate it appears that defendant No. 2 Padmakar died on 10.07.2025 and defendant No. 9 Shobhabai died on 22.08.2025. As per Article 120 of Limitation Act, legal representative of the party must be bring on record within 90 days from the date of death of the party. I am satisfied with the reason and delay caused to bring the legal representative of deceased defendant No. 9 on record. Hence application is deserves to be allowed. Hence, I pass the following Order :-

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ORDER

1. Application Exh.111 is hereby allowed.
2. The delay caused to bring the legal representative of deceased defendant No. 9 is hereby condone and deemed abatement is hereby set aside.

Parseoni.
Date 25/11/2025

(G.O.Wankhade)
Civil Judge Junior Division,
Parseoni

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CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word correct, as per original order.

Name of Stenographer-A.B.Tamgadge