

**R.C.S.No.19/2025**  
**(Old R.C.S.No.940/2009)**  
Purushottam Vs.  
Ramesh

**ORDER BELOW EXH.89**  
( Passed on 07.08.2025 )

The instant application is filed by the applicant for condonation of delay for bringing them as a legal representatives of the deceased plaintiff on record and for setting aside abatement.

2. It is contended by the applicants/ legal representatives that the original plaintiff died on 24.03.2023 at Nagpur. After the death of the deceased plaintiff, nobody was attending the court and applicants were not aware about the present proceeding. Therefore, the delay is caused for filing the application for bringing the legal heirs of deceased plaintiff. Thus, the applicants prayed to allow the application.

3. Defendant No.1 to 3 by filing their say on the application opposed the application on the ground that, no sufficient cause is mentioned in the application and reason given in the application is false. Hence, it is urged to reject the application.

4. Heard learned counsel for both parties at length. On perusal of the record and copy of death certificate filed on record below list of document Exh.88, it appears that the original plaintiff Purushottam Pandurang Chaturkar died on 24.03.2023. It is contended that, the applicants/ legal representatives were not aware about the present proceeding and due to which the delay is caused for filing application for bringing legal heirs of deceased plaintiff on

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record and for setting aside abatement. The defendants though contended that there is no sufficient cause for the delay, however, the application is supported by an affidavit of the applicant. The reason for causing delay for filing application for bringing legal heirs of deceased plaintiff appears to be reasonable and satisfactory. If the delay for bringing legal representatives and for setting aside abatement is not condoned, the applicants will not be in a position to contest the suit and to participate in the proceeding. Considering the nature of the suit and the fact that, the prejudice would cause to the applicant, the application deserves to be allowed. In the result, I pass the following order:

**ORDER**

1. Application is hereby allowed subject to costs of Rs.300/-.
2. The delay caused for bringing legal representatives of plaintiff on record and for setting aside abatement is hereby condoned.

Date: 07/08/2025.  
Katol

(M.Z.A.A.Q.Quraishi)  
Civil Judge (Sr.Dn.)  
Katol

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**CERTIFICATE**

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

Name of Stenographer : R. W. Vindane, (Gr.III)  
to, Jt. Civil Judge (Jr.Dn.), Nagpur.