

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

**ORDER BELOW EXH.90**  
( Passed on 07.08.2025 )

The instant application is filed by applicants for bringing the legal representatives of deceased plaintiff Purushottam Pandurang Chaturkar 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. After the death of the deceased plaintiff, nobody was attending the court and applicants were not aware about the present proceeding. The persons mentioned in the application are legal heirs of deceased plaintiff Purushottam Pandurang Chaturkar. Therefore, they needs to be taken on record. Hence, prayed for making amendment in the plaint by taking the legal representatives of deceased plaintiff on record.

3. The defendants by filing the say on the application, opposed the application on the ground that, the application for condonation of delay is not maintainable and hence, this application is also not maintainable. Hence, prayed to reject the application.

4. Heard the learned counsel for both sides at length. The copy of death certificate filed on record along with list of document Exh.88. On perusal of record and copy of death certificate, it appears that the original plaintiff Purushottam Pandurang Chaturkar died on 24.03.2023. The applicants

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have submitted on oath that persons mentioned in the application are legal heirs of deceased plaintiff. The delay for filing application for bringing legal heirs of deceased plaintiff and setting aside abatement has been condoned vide order below Exh.89. Hence, in view of order below Exh.89, the instant application deserves to be allowed. The irreparable loss would be caused to the applicants, if the application is not allowed. On the other hand, no prejudice would be caused to the defendants, if the application is allowed. If the legal heirs of plaintiff are taken on record then it would be helpful in proceeding with the matter on merits. Hence, in the result, I pass the following order:

**ORDER**

1. The application is hereby allowed.
2. Applicants are permitted to bring legal heirs of the deceased plaintiff i.e. Purushottam Pandurang Chaturkar on record by making amendment in plaint within 14 days from today and abatement due to death of the original plaintiff is hereby set aside.
3. Applicants to file copy of amended plaint on record.
4. No order as to costs.

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.II)  
to Civil Judge (Sr.Dn.), Katol