


MHNS130002032014 	<b>R.C.S./1300022/2014</b> Lilabai Dagu Dobhade Vs. Khanderao Pundlik Karate etc.31
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**ORDER BELOW EXH.NO.45 IN**  
**REGULAR CIVIL SUIT NO.22/2014**

1] The plaintiffs have moved this application for condonation of delay in bringing legal heirs of deceased plaintiff No.4 on record.

2] The plaintiffs have contended that they were under impression that application for bringing legal heirs of deceased plaintiff No.4 has already been submitted. Therefore, there was delay of 2 months and 24 days for filing application for bringing legal heirs on record.

3] The defendants filed say and contested the application on the ground that there is also delay for setting aside abatement. They have not prayed for condonation of delay for setting aside abatement.

4] Learned advocate for the plaintiff submitted that previous learned advocate for the plaintiff has passed away. Therefore, the plaintiffs were not aware about bringing legal heirs of deceased plaintiff No.4. Delay for filing this application is negligible. Hence, application may be allowed.

5] On the other hand, learned advocate for the defendant argued that the plaintiffs have not prayed for setting

aside abatement. Therefore, this application is not tenable.

6] According to the plaintiffs, defendant No.4 died on 05/01/2025. This application for condonation of delay came to be filed on 29/07/2025. The application for bringing legal heirs of deceased party ought to have been filed within 90 days from the date of death. It is matter of record that plaintiffs have not filed application for setting aside abatement. But, I find that the objection raised by defendant is technical. In this application, the plaintiffs have also contended that abatement order may be set aside. Therefore, in my view, this application cannot be rejected on technical ground.

7] The defendants have not disputed reason for causing delay in filing this application. Delay of 2 months and 24 days is not much longer. It would be proper to allow the application subject to costs. Hence, I pass following order-

### **ORDER**

- I. The application (Exh.45) is allowed.
- II. Delay for filing this application is condoned subject to payment of costs of Rs.500/- (In Rupees Five Hundred Only) payable to defendants.

Sd/-

**(A. J. Patil)**

Civil Judge, (Jr. Dn.)  
Pimpalgaon (B).

Dated : 09/09/2025