

ORDER BELOW EX.120.

(Passed On 03rd July, 2024)

1. This is an application for permission to bring legal representatives of deceased Defendant No. 11 Pandit Narayan Ubale on record under Order 22 Rule 4 of C.P.C., preferred by plaintiffs. Perused the application and reply. I have heard learned counsel for plaintiffs and learned counsel for defendants.

2. Plaintiff's Advocate submitted that Defendant No. 11 Pandit Narayan Ubale has died on 06-04-2019 and proposed legal representatives of deceased as mentioned in instant application needs to be brought on record. Plaintiff's Advocate submitted that in order to decide to suit on merit and for preventing multiplicity of proceeding instant application need to be allowed. Hence, an application for permission to bring legal representatives of deceased may kindly be allowed.

3. Learned counsel for defendant Nos. 7 to 11 & 25 to 28 vehemently opposed the instant application and submitted that there is a delay in preferring present application and prayed to outrightly reject it with heavy cost.

4. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the application to bring on record the proposed legal representatives of deceased Defendant No. 11 Pandit Narayan Ubale. There appears to be no other legal heirs except those named in application. Thus it is therefore necessary in the interest of justice to allow the application.

5. On going through the instant application in the light of pleadings of both parties and arguments canvassed before me this court is satisfied that it is necessary to bring the proposed legal representatives of deceased Defendant No. 11 Pandit Narayan

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Ubale on record for the purpose of determining the real question in controversy between the parties and for the fair adjudication of trial. In the result, I am inclined to pass following order.

ORDER

1. The application is allowed.
2. The plaintiffs to allowed to bring the proposed legal representatives of deceased Defendant No. 11 Pandit Narayan Ubale on record within 14 days from the date of the order and carry out necessary amendment to that respect.

Place :- Chandwad.

Date :- 03-07-2024.

(P.B. Joshi)

**Civil Judge Junior Division,
Chandwad.**

ORDER BELOW EX. 116.

(Passed On 03rd July, 2024)

1. This is an application preferred by plaintiffs for Setting Aside the abatement of suit against Defendant No. 11 Pandit Narayan Ubale. Plaintiff's Advocate submitted that Defendant No. 11 Pandit Narayan Ubale has died on 06-04-2019. Plaintiff's Advocate further submitted that, plaintiffs ought to have filed an application for bringing legal representatives of deceased on record within 90 days from the date of death of Defendant No. 11 Pandit Narayan Ubale. But, due to lack of knowledge could not file said application within time, hence, present application is filed on record. Plaintiff's Advocate submitted that, plaintiffs have sufficient and reasonable cause for not filing the application within specified time and accordingly prayed to allow the instant application.

2. Learned counsel for defendant Nos. 7 to 11 & 25 to 28 vehemently opposed the instant application and submitted that there is a delay in preferring present application and prayed to outrightly reject it with heavy cost.

3. Perused the application and reply. Heard learned counsel for plaintiffs and defendants. The plaintiffs are seeking liberty to bring on record the legal representatives of deceased Defendant No. 11 Pandit Narayan Ubale, who died on 06-04-2019. The present application is filed beyond stipulated period from the date of death of deceased. The present application is supported by an affidavit stating the genuine reasons for not preferring the present application within stipulated time. The plaintiffs had sufficient cause which prevented them from making present application for setting aside abatement against deceased on record. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit and for the fair adjudication of trial, it is necessary to allow the

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application. Thus, it is therefore necessary in the interest of justice to allow the application as plaintiffs have shown sufficient cause for not preferring application within specified time. Hence, On going through the instant application and in the light of pleadings of both parties and arguments canvassed before me, this court is satisfied that is necessary to set aside abatement. It is pertinent to state that no prejudice would be caused to defendants if they are compensated by way of costs. In the result, I am inclined to pass following order.

ORDER

The application is allowed and abatement of suit is set aside against Defendant No. 11 Pandit Narayan Ubale, subject to cost of Rs. 300/- to be given by plaintiffs to defendants as a condition precedent.

Place :- Chandwad.

Date :- 03-07-2024.

(P.B. Joshi)

Civil Judge Junior Division,
Chandwad.

ORDER BELOW EXH. 118.
(Passed On 03rd July, 2024)

1. This is an application preferred by plaintiffs for condoning the delay caused for bringing legal heirs of deceased Defendant No. 11 Pandit Narayan Ubale on record.

2. As per contentions of the plaintiffs that, Defendant No. 11 Pandit Narayan Ubale has died on 06/04/2019. Plaintiff's Advocate submitted that plaintiffs ought to have filed an application for bringing legal representatives of deceased on record within 90 days from the date of death of Defendant No. 11 Pandit Narayan Ubale. But, due to lack of knowledge could not file said application within time, hence, present application is filed on record. Plaintiff's Advocate submitted that plaintiffs have sufficient and reasonable cause for not filing the application within specified time and accordingly prayed to allow the instant application.

3. Learned counsel for defendant Nos. 7 to 11 & 25 to 28 vehemently opposed the instant application and submitted that there is a delay in preferring present application and prayed to outrightly reject it with heavy cost.

4. Perused the application and reply. Heard learned counsel for plaintiffs and defendants. The plaintiffs are seeking to condone the delay caused for making an application for bringing the legal representatives of deceased Defendant No. 11 Pandit Narayan Ubale on record. The present application is supported by an affidavit stating the genuine reasons for not preferring an application for bringing the legal representatives of deceased on record. The plaintiffs had sufficient cause which prevented her from making said application. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit and for the fair adjudication of trial, it is necessary to allow the application. Thus, it is therefore necessary in the interest of justice to allow the application as

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plaintiffs have shown sufficient cause for not preferring application within specified time. Hence, On going through the instant application and in the light of pleadings of both parties and arguments canvassed before me, this court is satisfied that is necessary to condone the delay caused for preferring an application for bringing the legal representatives of deceased on record. It is pertinent to state that no prejudice would be caused to defendants if they are compensated by way of costs. In the result, I am inclined to pass following order.

:: ORDER ::

- 1] Application is hereby allowed subject to cost of Rs. 300/- to be given to defendants.
- 2] Delay caused for bringing L.R's of deceased Defendant No. 11 Pandit Narayan Ubale is hereby condoned.

Date : 03.07.2024.
Place : Chandwad.

(P.B. Joshi)
Civil Judge (J.D), Chandwad.