

MHNS160006982016



**R.C.S./101/2016**

**Sudhakar Deoram Kedare Vs.**

**Madhukar Rambhau Kedare**

**ORDER BELOW EXH.33, 35 and 37**

**(Passed on 23/01/2026)**

1. The application Exh. 33 is filed for setting aside abatement, application Exh. 35 filed for condoning the delay for bringing the legal heirs of deceased defendant No. 2 Sakrabai Kedu Kedare and deceased defendant No. 3 Babanbai Jaggnath Yashvante and application Exh. 37 is filed for bringing the legal heirs of deceased defendant No. 2 Sakrabai Kedu Kedare and deceased defendant No. 3 Babanbai Jaggnath Yashvante on record. The defendant has filed say. Heard both.

2. The suit is filed for declaration, partition and perpetual injunction. It is the contention of the plaintiff that pending this suit the defendant No. 2 Sakrabai Kedu Kedare died on 26.12.2017 and defendant No. 3 Babanbai Jaggnath Yashvante died on 17.07.2016. However, his death is not inform to the court and therefore his legal heirs are not brought on record within time stipulated under the law. Hence, plaintiff has filed present application on 14.02.2024 for setting aside abatement, for condoning the delay for bringing the legal heirs of deceased and for bringing the legal heirs of deceased defendant No. 2 Sakrabai Kedu Kedare and deceased defendant No. 3 Babanbai Jaggnath Yashvante on record by making necessary amendment in the plaint.

3. It is appeared that the defendant No. 2 Sakrabai Kedu Kedare died on 26.12.2017 and defendant No. 3 Babanbai Jaggnath Yashvante died on 17.07.2016 and present application is filed on 14.02.2024. There is huge delay for filling this application. The suit is filed for declaration, partition and perpetual injunction.

*C.J.J.D.*

4. The suit is filed for partition, plaintiff is required to give an opportunity to contest the litigation. The delay is properly explained. Other side required to compensate by costs. In order to decide the suit on merit an opportunity required to be given to the plaintiff to bring the heirs of deceased defendant No. 2 and 3 on record. Hence following order :

**ORDER**

Application Exh. 33 for setting aside abatement, application Exh. 35 filed for condoning the delay for bringing the legal heirs of deceased and application Exh. 37 for bringing the legal heirs of deceased on record are allowed subject to cost of Rs. 2500/- to the other side and Rs. 500/- to TLSA Chandwad. Plaintiff shall comply the order on or before the next date and filed amended copy on record. Failure on the part of Plaintiff to comply the order then the matter will proceed further. Concern to take note of it.

Dated. 23/01/2026

**(S.S.CHHALLANI)**  
**Civil Judge (Jr.Dn.)**  
**Chandwad.**

**CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	<b><i>Namdev M. Shedge</i></b>
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	23/01/2026
Judgment/order signed by the PO on	23/01/2026
Judgment/order digitally signed by the PO on	23/01/2026
Judgment/order uploaded on	23/01/2026