

ORDER BELOW EXHS. 39 IN R.C.S.No.286/2013
(Passed on 13-10-2025)

1. These are the applications filed by the plaintiff seeking condonation of delay in bringing defendant Nos.1's legal representative (for short ' L.R's') on record and also for setting aside abetment order passed against defendant no.1.
2. Say not filed by defendants.
3. No one present to argue.
4. Perused application and record of the suit.
5. Plaintiff has filed this suit for partition. The suit is pending for defence evidence. During pendency of the suit defendant no. 1 expired on 15.01.2018. Plaintiff has filed these applications on 04.01.2023 i.e. after 5years. The reason given for delay that they did not get necessary information within time. The reasons given for delay is not at all sufficient. In spite of all these facts the suit is filed for immovable properties and valuable rights of the parties are involved in the suit. Therefore if the abatement is set aside and permission is given to the plaintiffs to bring legal heirs of defendant no. 1 on record then it will help to decide the matter on merit. It will not cause any prejudice to the defendants. At the same time delay caused by plaintiffs to bring legal heirs of deceased defendant no. 1 on record can not be over looked. For that purpose I found it suitable to saddle costs of Rs. 1000/- on plaintiff. Hence order.

ORDER

1. The application exh. 39 is allowed subject to costs of Rs. 1000/-.
2. Defendant no. 2 to 8 are entitled to receive the costs.
3. The plaintiff is directed to carry out the amendment bringing the L.R's. of defendant No.1 on record and to supply copy of amended plaint and requisite process fee on or before 30-10-2025.

(Pronounced in open Court)

Date-13-10-2025

**(S.M. Bohara)
Civil Judge Junior Division
Yeola, Dist. Nashik**