

Order below Exhs.35, 37 and 39 in R.C.S.No.77/2014
(Vilas Vs. Balasaheb and Ors.)

Read the applications and say filed on them. Heard the learned counsel for both side. It is suit for partition and incidental reliefs thereto. It is seen that, during the pendency of the suit, defendant No.3 Purushottam Pandurang Shinde died on 12.03.2016. Therefore, his legal representatives sought to be brought on record by setting aside abatement with condonation of delay of around 6 and ½ years. The application does not mention any reason of such delay. However, the learned counsel for the defence orally conceded for allowing the application subject to cost for the sake of meritorious decision of the suit of partition. The proposed legal representatives did not respond to the notices. There is no dispute that, the proposed persons are the legal representatives of deceased defendant No.3 and right to sue does survive against them. Considering that the suit is for partition, and oral concession on behalf of the contesting defendants, the legal representatives of deceased defendant No.3 are allowed to be brought on record by setting aside abatement with condonation of delay subject to cost of Rs.3,500/- to be paid on or before next date. Out of total cost, Rs.1,000/- be credited to legal aid. On payment of cost, the amendment be carried out forthwith with submission of necessary copies of the amended plaint.

Sd/-xxx

(M. M. Gadiya)

Civil Judge, Sr. Div., Sinnar.

Date :- 18.01.2024.