

ORDER PASSED BELOW EXH. 48.

This is an application filed by applicants for condonation of delay caused for bringing them as LR's of deceased sole plaintiff on record and set aside the abatement caused to bring LR's on record.

2) Defendants have filed their say on overleaf of the present applications stating that application is not filed within stipulated period. Hence, application is liable to be rejected.

3) Heard the learned counsels for respective parties. I have gone through the applications as well as the say filed thereon.

4) Applicants have contended in their applications that, deceased sole plaintiff was died on 27/05/2021. However, they had no any information about the present suit. The reason shown for delay appears to be bonafide. The delay is not intentional. Therefore considering reasons stated supra, in my view, it would be proper condone the delay and set aside the abatement if any caused. Holding so, I proceed to pass the following order

ORDER

1. Application is allowed.
2. Delay caused for bringing LR's of the sole plaintiff on record is hereby condoned.
3. The abatement caused is hereby set-aside.
4. Costs in cause.

Date : 05/08/2023.

(R.P.Bathe)
Jt.Civil Judge J.D. Kallam.

ORDER PASSED BELOW EXH. 44.

This is an application filed by Lrs. of the deceased sole plaintiff Sudhakar Balbhim Shelke for taking them as Lrs. of the deceased applicant Sudhakar.

2) Non applicants have filed their say on overleaf of the present application.

3) Heard, Ld. Counsel Shri. P. S. Kulkarni for the applicant and Shir. B.S.Lomate for the defendant.

4) Applicants have contended that sole plaintiff Sudhakar was died on 27/05/2021. They are the only heirs of deceased sole plaintiff. As the present suit is for recovery of encroached portion of the suit property and perpetual injunction. Hence, I hold that right to sue survives to the applicants. Hence, I hold that this application deserves to be allowed. Holding so, I proceed to pass the following order -

ORDER

1. Application is allowed.
2. Applicants are permitted to arrayed them self as Lrs. of deceased plaintiff Sudhakar Balbhim Shelke.
3. Applicants are directed to carried out the amendment on or before next date.

Date : 05/08/2023.

(R.P.Bathe)
Jt.Civil Judge J.D. Kallam.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment are same, word to word, as per the original judgment.

Name of Stenographer	---	A.M.Wagh
Court	---	Jt.C.J.J.D. & J.M.F.C. Kallam
Date	---	05/08/2023
Order signed by the Presiding officer on	--	05/08/2023
Order uploaded on	—	07/08/2023