



ORDER BELOW EXH.19 IN R.C.S. No.723/2019.

(CNR No. MHOS10-001203-2019)

Suresh V/s. Maruti.

This is an application filed by plaintiff for condonation of delay caused for setting aside the abatement.

2) The plaintiff contended that deceased sole defendant namely Maruti Bhau Kshirsagar was died on 13/09/2022. This application is supported by the affidavit Exh. 20. There is delay caused due to unavailability of necessary documents. Hence, he prayed that application be allowed.

3) As sole defendant is died, application proceeded without say on merit.

4) It is clear that as per Article 120 of the Limitation Act, plaintiff shall bring the legal heirs within 90 days from the date of death of defendant. However, plaintiff failed to move the said applications within time provided by Article 120 & 121 of the Limitation Act. Hence, he applied for condonation for delay caused for setting aside the abatement. It appears from the reason mentioned in the application that the delay is not intentional or deliberate. It was caused only due to unavailability of necessary documents. The reason

mentioned in the application appears to be bonafide. Thus, to have the fair litigation and considering the reason mentioned in the application, I hold that this application deserves to be allowed in the interest of justice. Holding so, I proceed to pass the following order -

ORDER

Application is allowed subject to payment of costs of Rs. 500/- (Rs. Five hundred only) to be paid to the Taluka Legal Service Authority, Washi.

Date : 15/11/2025.

(Smt. M. V. Patil-Rthode)
Civil Judgej, J.D., Washi.

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, Stenographer (G-III)
Court	---	C.J.J.D. & J.M.F.C. Court Washi
Date	---	15/11/2025
Order signed by the Presiding officer on	--	15/11/2025
Order uploaded on	—	17/11/2025