



**ORDER BELOW EXH.60 IN R.C.S. No.593/2016.**

(CNR No. MHOS10-001256-2016)

Haridas. V/s. Shripati & Ors.

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

2) The plaintiff contended that deceased defendant No. 2 Gokuldas Uttamrao Ghule was died on 21/03/2022. This application is supported by the affidavit Exh. 61. There is delay caused due to his old age and illiteracy. Hence, he prayed that application be allowed.

3) Defendants have filed their say on overleaf of the present application and contended that, reason for delay is not mentioned in the application. Reason mentioned in the application is false. Hence, they prayed to reject the application with costs.

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 No. 2. 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**

- 1) Application is allowed subject to payment of costs of Rs. 500/- (Rs. Five hundred only) to be paid to the defendants.
- 2) The abatement caused is here by set-aside.

Date : 20/01/2026.

(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)  |
| Name of the Court                        | --- | C.J.J.D. & J.M.F.C. Court Washi |
| Date of Ord. / Judgment                  | --- | 20/01/2026                      |
| Order signed by the Presiding officer on | --  | 20/01/2026                      |
| Order uploaded on                        | —   | 21/01/2026                      |