

MHOS150009512022



ORDER BELOW EXH. 15

1. Perused the application. This is an application filed by plaintiff for condonation of delay for setting aside the abatement order passed against the legal heir of deceased deft. no. 2.

2. It is the contention of the plaintiff that the deft. no. 2 was died on 27/06/2022. He was residing at Pune. Therefore, plaintiff could not obtain the information regarding legal heirs of the deceased deft. no. 2. The delay caused is not deliberate. Lastly, he prayed to the allow the application.

3. The defendants resisted the application contending that the application has not filed within limitation. Therefore, liable to rejected.

4. Heard learned advocate for both the parties. Perused the record. The application is accompanied with the affidavit of the plaintiff and the death certificate of deceased deft. no. 2 Vishnu Vitthal Deshmukh. It is seen that, the deft. no. 2 died on 27/06/2022. Therefore the suit is abated against the legal heirs deft. no. 2. However, the reason mentioned in the application for causing delay in brining legal heirs on record seems justifiable. The present suit is pertaining to the immovable property. Therefore, in the interest of the justice the delay needs to be condoned. The application deserves to be allowed. Hence, the following

order:-

ORDER

- 1) The application is allowed.
- 2) Delay for setting aside abatement order for bringing legal heirs of deceased deft. no. 2 on record is hereby condoned.

Date:-06/04/2023

Sd/-
(Mayura V. Nimbalkar)
3rd Jt.Civil Judge J.D.,Paranda.