



Common Order below Exh. 56, 58 and 60

1] These are the applications filed by the plaintiff for condonation of delay, setting aside abatement and to bring legal heirs of plaintiff no. 2 and defendant no. 5 on record.

2] It is contended by the Learned Counsel for the plaintiffs that the plaintiff no. 2 and defendant no. 5 were died on 03-01-2023 and 07-06-2023 respectively. According to the plaintiff, it was necessary to bring legal heirs of plaintiff no. 2 and defendant no. 5 within statutory period. However, as they could not get death certificates and necessary information about the legal heirs, they could not file necessary applications within statutory period. Hence, instance applications are being preferred.

3] The Learned Counsel for the defendants opposed the said applications on the ground that the reason stated in it are not proper. The exact delay has not been specified. Hence, they prayed to reject the said application.

4] From the record it appears that the death of plaintiff no. 2 and defendant no. 5 are not disputed. Their death certificates are also filed on record. It is also seen that the legal heirs of deceased defendant no. 5 i.e. 5/A, 5/C and 5/kh are residing at Tq. Madha Dist. Solapur and Uruli-Kanchan Dist. Pune respectively. Thus, in such circumstances

possibility of delay in procuring necessary information about the legal heirs of deceased defendant no. 5 cannot be ruled out. Thus, there is sufficient caused for not preferring the aforesaid applications within statutory period. Moreover, the aforesaid application are supported by an affidavit. Thus, no any prejudice will be caused to the defendants if the applications are allowed. Rather multiplicity of the proceedings will be avoided and dispute between the parties will be decided on merit. Hence, I hold that the applications deserves to be allowed. In the result, I pass the following order.

Order

1. Applications below Exh. 56, 58 and 60 are allowed.
2. Plaintiffs are directed to bring the legal heirs of plaintiff no. 2 and defendant no. 5 on record and carry out necessary amendment accordingly on or before next date of hearing.

Sd/-
(P.S.Thakare)
Jt. Civil Judge J.D.
Paranda

Date : 11/12/2023

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. P. S. Thakare, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	11/12/2023
Judgment signed by the P.O. on	11/12/2023
Judgment/Order uploaded on	11/12/2023