

Common Order below Exh. 121, 123 & 126 in R.C.S.No.179/1996**Subhash Pangare Vs. Kisan Pangare & Ors.**

(Passed on 23/10/2024)

These applications are filed for set aside abatement, condoning delay for bringing legal heirs on record and for taking legal heirs of defendant No.1 on record and also for amendment of plaint. Hence, prayed to allow the applications.

02. Plaintiffs have contended that, defendant No.1 namely Kisan Tukaram Pangare died on 20/06/2015. It is stated that due to lack of information about the death of said defendant to the plaintiff, he could not take any steps to bring the legal representatives of defendant No.1 on record within time. Therefore, there has been a delay in taking defendant's heirs on record. There is delay of 7 years and 10 days for bringing legal heirs of deceased defendant No.1. Hence, prayed to setting aside abatement, condoned the delay for taking legal heirs on record, for taking legal heirs of defendant No.1 on record and also for amendment of plaint.

03. The defendants have failed to filed their say. Hence, applications proceeded without their say.

04. Perused record of the case.

05. On perusal of record it shows, deceased defendant No.1 Kisan Tukaram Pangare died on 20/06/2015. The suit is filed for partition, declaration and permanent injunction. Therefore, it is necessary to bring legal heirs of deceased defendant No.1 Kisan

Tukaram Pangare on record being necessary parties. Hence, I passed the following order-

ORDER

- 1] Applications **Exh. 121, 123 & 126** are allowed subject to cost of Rs. 1500/- to be paid to T.L.S.A., Bhore.
- 2] Delay for bringing legal heirs of deceased defendant No.1 Kisan Tukaram Pangare is condoned.
- 3] Abatement in respect of defendant No.1 Kisan Tukaram Pangare is hereby set aside.
- 4] Plaintiff is directed to bring proposed legal heirs of defendant No.1 Kisan Tukaram Pangare on record and carry out necessary amendment on or before next date.

Pune.
Date : 23-10-2024

[Smt.Meena W. Jadhav]
Jt. Civil Judge, Jr.Div., Bhore

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 23/10/2024
Signed by P.O.	:- 23/10/2024
Order uploaded on	:- 23/10/2024