

ORDER PASSED BELOW EXH. 38

The plaintiffs has filed this application for condonation of delay in taking legal heirs on record, to set aside abatement and carrying out the necessary amendment.

2) The plaintiffs submitted that, the deceased plaintiff no.1 is died on 04.03.2013, and the deceased plaintiff has appointed to adv. Mukadam. The wife of deceased plaintiff Dinkar is dead on 25.09.2011 and son Vitthal is dead on 28.02.2011 and also son Shankar is dead on 06.07.2015. The plaintiff has conveyed this fact to his advocate on record. But steps are not taken in suit to proceed further and they could not carried out the appropriate amendment. Therefore, they could not bring her LR's within period of limitation. Hence, they prayed to condone the delay, to set aside abatement and permit the plaintiffs to bring the LR's of deceased deceased plaintiff on record.

3) The plaintiff has submitted that, in anticipation of these facts , plaintiff has caused delay in carrying out the amendment. An opportunity to file say is given to the defendants on the present application. The defendants filed their say on the application itself and contended that there is not a sufficient reason mentioned and hence prayed for rejection of the application.

4) I have gone through the record. The suit is filed for Partition. Considering the reason mentioned in an application following order is passed.

ORDER

- 1 The application (Exh. 38) is allowed and delay is condoned, abatement is set aside, subject to cost of Rs. 800/- (Rs. Eight Hundred Only) payable to the defendants.
- 2 The plaintiffs shall carry out necessary amendment in the plaint , and shall submit amendment copy of the plaint and copy of the decree within fourteen days from the date of order.
- 3 The amendment sought be carried out forthwith

Date : 29.03.2018

Bhor.

2nd Jt.Civil Judge(J.D.),Bhor, Dist. Pune.