

COMMON ORDER BELOW EXHS.81, 92 AND 94

These are applications filed by plaintiff no.1 for delay condonation in deleting the name of plaintiff no.6 Draupadabai Nivrutti Kamthe who died on 28/10/2015, for permission to delete her name and for setting aside abatement. Her legal representatives are already on record i.e. plaintiffs no.2 to 7.

2] It is contended that as talk was going on between the parties in respect of compromise of the matter, the delay was caused. So also, plaintiff no.1 is old age. The delay is not deliberate.

3] Defendants filed say contending that reasons mentioned in the applications are not proper and genuine. Hence, prayed to reject the applications.

4] There is delay of about 7 years, 8 months and 17 days. The suit is filed for partition, declaration and injunction. The death certificate of plaintiff no.6 is filed on record. The legal representatives of the deceased plaintiff no.6 are already on record. Hence, to avoid multiplicity of proceedings and to elucidate the controversy between the parties once for all, it is just and necessary to condone the delay, permit to delete name of plaintiff no.6 and to set-aside abatement order and and to permit plaintiff to delete the name of the deceased plaintiff no.6. The prejudice, if any, caused to the defendants, can be compensated by imposing cost. Hence, I pass following order.

ORDER

- 1] Applications are allowed, subject to cost of Rs.1,000/- (Rupees one thousand) to be paid on or before next date.

2] Plaintiffs are directed to file amended plaint on record, on or before next date.

sd/-

(Shri M.S. Bharad)

Date : 06/07/2024

2nd Joint Civil Judge, Junior Division,  
Saswad, Pune