

COMMON ORDER BELOW EXH.12 & 14 IN REG. CIVIL APPEAL
No.39/2022

The appellants stated that respondent died on 8.10.2023. The appellants were not aware about the death of the said respondent and his legal heirs, therefore, they could not be brought legal heirs of said respondent on record within time. So, delay caused be condoned and abatement be set-aside and legal heirs of deceased respondent be taken on record.

02 Ld. advocate for respondent resisted the applications stating therein that, application is not maintainable. The appellants are having knowledge of death of respondent in spite of that, no sufficient reason is forwarded to condone the delay. Hence, prayed to reject the application.

03 Heard. Read applications and say thereon.

04 Respondent died on 15.09.2021. The pursis in that regard is filed on 08.10.2023, but present applications are filed on 23.02.2024 that means after 02 months. The appellants put forth the reason that they were not aware about death of deceased deceased. However, said reason is not seems to be substantial one but considering the fact that, LRs. of said deceased are necessary parties and in their absence, present appeal cannot be decided. So it is just to bring legal heirs of deceased on record. In respect of delay, costs is required to be saddled upon the appellant. Hence, the order:-

ORDER

- 1.** Applications Exh. 12 & 14 are allowed subject to costs of Rs.750/- be paid to L.Rs. of respondent No.9.
- 2.** Appellants are directed to bring the legal heirs of deceased respondent on record on or before next date.

Sd/- x x x
(J.A.Shaikh)

Date : 23.02.2024

District Judge- 3, Baramati.

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

Name of Steno :- V.S.Sonawadekar, Steno
Court Name :- J.A. Shaikh
Additional Sessions Judge,
Baramati
Order date :- 23.02.2024
Order signed by P.O. on :- 23.02.2024
Order uploaded on :- 23.02.2024