



ORDER BELOW EXH. 84 IN R.C.S. No. 505/2023
[Latabai Kapase & Ors. Vs. Ramdas Kapase & Ors]
(Passed on 23.09.2025)

Plaintiff has filed this application to condone delay arose in setting aside the abatement order for defendant no. 6. Ld. Advocate of plaintiff has submitted that defendant no. 6 Vimal Bapurao Kapase died on 08.12.2024. But her legal heirs could not be brought on record within limitation. The suit is for recovery of possession. Therefore, in order to decide this suit on merit, delay arose in setting aside abatement order may be condoned and abatement be set aside.

2. The defendants have filed say and resisted this application on the ground of being false, frivolous as delay is caused intentionally despite of knowledge. Hence, application be rejected.

3. Heard Ld. Advocate for plaintiff and defendant at length. Perused the record in detail. The suit is for recovery of possession and removal of encroachment. Application is duly supported by affidavit. Without all the legal heirs on record, suit cannot be decided on merits. Further, rejection of this application will lead to multiplicity of the proceeding and frustration of suit. Thus, in order to decide this suit on merit, and to avoid multiplicity of proceedings, as right to sue and be sued survives to the legal heirs of deceased defendant no. 6, so in the interest of justice, delay is condoned subject to costs of Rs. 500/- to be paid to defendants. Hence, I proceed to pass following order :-

ORDER

Application is allowed subject to costs of Rs. 500/-
(Rupees Five Hundred only) to be paid to
defendants.

Daund.
Date :- 23.09.2025.

[**Smt. S. A. Virani**]
Jt. C.J.J.D., Daund, Dist. Pune.



ORDER BELOW EXH. 86 IN R.C.S. No. 505/2023
[Latabai Kapase & Ors. Vs. Ramdas Kapase & Ors]
(Passed on 23.09.2025)

In view of order below Exh. 84, the abatement is set-aside
in interest of justice.

Daund.
Date :- 23.09.2025.

[Smt. S. A. Virani]
Jt. C.J.J.D., Daund, Dist. Pune.



ORDER BELOW EXH. 88 IN R.C.S. No. 505/2023
[Latabai Kapase & Ors. Vs. Ramdas Kapase & Ors]
(Passed on 23.09.2025)

In view of order below Exh. 84 and 86, this application is allowed. After payment of costs, plaintiff to carry out necessary amendment within 14 days and supply amended copies.

Daund.
Date :- 23.09.2025.

[Smt. S. A. Virani]
Jt. C.J.J.D., Daund, Dist. Pune.

CERTIFICATE

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

Name of Steno	:-	S. R. Banda.
Name of the Court	:-	Smt. S. A. Virani, Jt. C.J.J.D., Daund, Dist. Pune.
Order date	:-	23.09.2025.
Order signed by the Presiding Officer on	:-	23.09.2025.
Order uploaded on	:-	23.09.2025.