



Harishchandra Baburao Bheke
Vs
Shankar Baburao Bheke (Dead)
Bajrang Mahadev Bheke

COMMON ORDER BELOW EXH. NOS.64, 66, 68 AND 70

1. The decree holders (D.H.) have filed application at Exh.64 for taking legal heirs of deceased judgment debtor (J.D.) No.2 Bajrang Mahadev Bheke on record. They also filed applications at Exh.66, 68 and 70 for setting aside the deemed order of abatement, condoning the delay to bring legal representatives of the J.D. No.7 Pandurang Namdev Bheke on record respectively.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for the D.H. submitted that during the trial J. D. No.2 Bajrang Mahadev Bheke died on 28/07/2025. He has filed copy of death certificate alongwith Exh.63. Therefore, legal representative of J. D. No.2 Bajrang Mahadev Bheke need to be brought on record to decide Darkhast on merit. Hence, he prayed to allow the application at Exh.64.
4. He also submitted that J.D. No.7 Pandurang Namdev Bheke is died on 10/07/2023. He has filed copy of death certificate alongwith Exh.63. The D.H. recently came to know about his legal representative. Therefore, Darkhast stands abated against J.D. No.7 Pandurang Namdev Bheke. The present application is filed on 25/08/2025 to set aside abatement order against J.D. No.7 Pandurang Namdev Bheke. For the aforesaid reason, there is delay to bring the legal heirs of J.D. No.7 Pandurang Namdev Bheke on record. Hence, he prayed for setting aside the deemed order of abatement of suit against J.D. No.7 Pandurang Namdev Bheke and condoning the delay to bring legal his representatives on record.

4. The Ld. advocate for the J.D. has filed his say at Exh.64 and submitted that the application is well within limitation. Therefore, necessary order may be passed. He also filed say at Exh.66, 68 and 70 and opposed these applications by contending that applications are not true and correct. D. H. has not mentioned that how much delay occurred. The death certificate issued on 25/07/2023. The D. H. intentionally delaying the matter. The reason are not satisfied. There is no provision to condone the delay for taking legal heirs on record. Hence, prayed to reject the application with costs.

5. On perusal of the record, it appears that the darkhast stands abated against J.D. No.7 Pandurang Namdev Bheke owing to no formal application to bring a legal representative of the J.D. No.7 within the stipulated time. As per Limitation Act delay is not applicable to the Darkhast or execution proceeding. Therefore, delay application is not required. The application filed at Exh.64 is well within limitation.

6. Further, denying the legal heirs of J.D. No.7 an opportunity of their applications being consider merely on ground of abatement would be unjust. On other hand, considering the applications for bringing the legal heirs on record on merits would not tilt the scale against the J.D.

8. In view of the above-discussed reasons, I am of the opinion that to decide the darkhast on merit it would be just and proper to set aside an abatement order. Hence, I pass following order.

O R D E R

- 1) The application at Exh. No. 64 is allowed.
- 2) The legal representative of J.D. No.2 be taken on record as prayed in application at Exh.64.

- 3) The applications at Exh. No.68 and 70 are allowed subject to cost of Rs.500/- be paid to the J.D.
- 4) The deemed order of abatement of the Darkhast on account of the death of the deceased J.D.7 Pandurang Namdev Bheke is set aside.
- 5) The legal representative of J.D. No.7 be taken on record as prayed in application at Exh.68 on payment of above-mentioned cost.
- 6) The D.H. is directed to carry out aforesaid amendment and file amended copy of Darkhast on record within 14 days from the date of this order.
- 7) Parties to note.

SD/-

Date : 10/10/2025
Ghodegaon,

(Sneha Sunil Pulujkar)
2nd Joint Civil Judge Junior Division,
Ghodegaon, Dist. Pune

CERTIFICATE

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

Name of the Court : Smt. Sneha Sunil Pulujkar ,
2nd Jt. C.J.J.D. and J.M.F.C.,
Ghodegaon, Dist. Pune.

Name of the Steno : J. S. Kaite, Steno Grade - III.

Order date : 10/10/2025.

Order signed by P.O. on : 10/10/2025.

Order uploaded on : 10/10/2025.