



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

COMMON ORDER BELOW EXH. NOS.79, 80 AND 81

1. The decree holders (D.H.) have filed application for setting aside the deemed order of abatement, condoning the delay to bring legal representatives of the D.H. No.1, 1A, 1B and Judgment Debtor (J.D.) No.4B on record respectively.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for the D.H. submitted that during the trial D.H. No.1 Harishchandra Baburao Bheke died on 12/12/2025. His heirs Madhusudan Harishchandra Bheke died on 26/04/2021, Manoj Harishchandra Bheke died on 04/08/2013. He further submitted that after death of Madhusudan Harishchandra Bheke his legal heirs are Manisha Madhusudan Bheke, Charuta Madhusudan Bheke, Mayuresh Madhusudan Bheke. After death of Manoj Harishchandra Bheke his legal heirs are Sangeeta Manoj Bheke, Nikita Manoj Bheke, Shrutika Manoj Bheke, Rutuja Manoj Bheke, Ratnaprabha Narayan Jadhav, Sunita Ramchandra Borude, Taramati Harishchandra Bheke.
4. He further submitted that J.D. No.4B Kantilal Vishnu Bheke died on 15/03/2021. After his death Vidya Kantilal Bheke is his legal heirs. He has filed copy of death certificate of D.H. No.1, 1A, 1B and J.D. 4B alongwith Exh.83. Therefore, legal representative of D.H. No.1, 1A, 1B and J.D. 4B need to be brought on record to decide Darkhast on merit. Hence, he prayed to allow the applications.

5. The Ld. advocate for the J.D. No.5B, 5C, 4A1 to 4A5, 4C has filed their say and submitted that the proper reasons are not mentioned in the applications. The D.H. is fully aware about the death of aforesaid party but intentionally and deliberately not taken any effective steps within limitation. Hence, they prayed to reject the application.

6. On perusal of the record, it appears that the darkhast stands abated against D.H.No.1, 1A, 1B and J.D No. 4B owing to no formal application to bring their legal representative of them within the stipulated time. Further, denying the legal heirs of D.H. No.1, 1A, 1B and J.D. No.4B 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.

7. I am of the opinion that it would be just and proper to adopt a justice-oriented approach. Further, denying the decree holder an opportunity of his applications being consider merely on ground of delay would be unjust.

8. In view of the above-discussed reasons, I am of the opinion that to decide the present darkhast on merit it would be just and proper to set aside an abatement order. Simultaneously, condone the delay to file an application to bring the legal representative of the D.H.No.1, 1A, 1B and J.D. No.4B on record. Hence, following order is passed.

O R D E R

- 1) The applications at Exh.No.79, 80 and 81 are allowed subject to costs of Rs.3000/- be paid to the Judgment Debtors.

- 2) The legal representative of D.H. No.1, 1A, 1B and J.D. No.4B be taken on record as prayed in application at Exh.81.
- 3) The deemed order of abatement of the Darkhast on account of the death of the deceased D.H. No.1 Harishchandra Baburao Bheke and J.D. No.4B Kantilal Vishnu Bheke is set aside.
- 4) The legal representative of D.H. No.1 and J.D. No.4B be taken on record as prayed in application at Exh.81 on payment of above-mentioned cost.
- 5) 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.
- 6) Parties to note.

Sd/-

Date : 13/08/2026
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 : 13/08/2026.

Order signed by P.O. on : 13/08/2026.

Order uploaded on : 13/08/2026.