

Regular Civil Suit No. 141/2007

MHPU240006682007



Common Order Below Exh. 98A, 100 and 102 **(Vimal Bhor & ors. Vs. Gangaram Bhor & ors.)**

Read the applications and say filed on behalf defendants. Perused the matter on record. Heard learned counsels appearing on behalf of respective parties.

2] This is a suit for partition and perpetual injunction wherein application for setting aside abatement order, condonation of delay and bringing legal heirs of deceased defendant no. 1 Gangaram Uddhav Bhor are filed on record. It is submitted on behalf of applicants that, defendant no. 1 Gangaram Uddhav Bhor demised on 11/12/2023. However, for want of death certificate of deceased delay has been occurred and thereby they failed to bring legal heirs of defendant defendant no. 1 Gangaram Uddhav Bhor on record within limitation period. Even, defendant no. 4 Balu Gangaram Bhor and defendant no. 5 Arun Gangaram Bhor who are legal heirs of deceased defendant no. 1 are already on record. But, wife and daughter of deceased defendant no. 1 is yet to be brought on record as legal heir of deceased defendant no. 1 and Therefore, it is necessary to bring the legal representatives on record and to make consequential amendment. Hence, the present application.

3] Defendants objected the application on the ground that, the present application is not true, bonafide and legal. The reason mentioned

Regular Civil Suit No. 141/2007

in the application is not true. To prolong the matter and to harass the defendants, plaintiffs have filed such application. Lastly they prayed to reject the application or otherwise to impose heavy cost if the same is allowed.

4] Along-with list of document at Exh. 98 the Death Certificate of defendant no. 1 Gangaram Uddhav Bhor is filed on record. It shows that, defendant no. 1 Gangaram Uddhav Bhor demised on 11.12.2023. Considering the nature of suit and status of the parties, the issue of landed property is involved in the matter. Hence, legal representatives of defendant no. 1 Gangaram Uddhav Bhor are necessary to be taken on record for just decision of the case. Considering the nature of suit, satisfactory grounds in applications and in the interest of justice, it would be worthwhile to allow applications at Exh. 98A, 100 and 102 filed by plaintiffs. Hence, I am inclined to allow the applications. In result, following order is passed,

ORDER

- 1] Applications Exh. 98A, 100 and 102 are allowed subject to costs of Rs. 500/- payable to defendants.
- 2] Abatement order passed against defendant no. 1 Gangaram Uddhav Bhor is hereby set aside.
- 3] Delay caused has been condoned.
- 4] The plaintiff to bring legal heirs of deceased defendant no. 1 Gangaram Uddhav Bhor on record of the suit and to carry out necessary amendment accordingly within 14 days from the date of this order.

Sd/-

(S. N. Hurgat)

Date : 22/07/2024

Civil Judge Junior Division,
Ghodegaon, Tal. Ambegaon, Dist. Pune.