



Prasad Balkrushna Bhalerao

Vs

Hiraman Bhimaji Bhalerao

COMMON ORDER BELOW EXH. NOS. 47, 49 AND 51

1. The plaintiffs have filed these applications for setting aside the deemed order of abatement of suit, condoning the delay to bring legal representatives of the deceased defendant No.6 and to put remark as dead after the name of defendant No.6 on record.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for the plaintiffs submitted that the defendant No.6 Laxmi Bhimaji Bhalerao died on 21/11/2025. Her legal heirs were already taken on record. He further submitted that the family member of defendant No.6 were told to the concerned person do not give death certificate of defendant No.6 to anyone. Hence, there is delay in filing the death certificate of defendant No.6 on record. The suit stand abated against the defendant No.6. There is delay in filing application. The delay was not intentional. Hence, prayed for setting aside the deemed order of abatement of suit against defendant No.6. He also prayed for condoning the for filing application and to put remark as dead after the name of defendant No.6 on record.
4. The Ld. advocate for defendants has filed his say and submitted that the applications are false and frivolous. The reason mentioned in the applications are not trustworthy without documentary support. The legal heirs of defendant No.6 were already on record therefore there is no question for abatement arise. The applications are not within the limitation. Hence, reject the applications with costs.

5. On perusal of the record, it appears that the suit is filed for partition and permanent injunction. The legal heirs of deceased defendant No.6 were already on record. Therefore, suit is not abated against defendant No.6. The right to sue survives against the remaining defendants. Therefore, there is no need file application for set aside the deemed order of abatement of suit against the defendant No.6 and delay condonation application. On perusal of copy of death certificate of defendant No.6 it appears that Laxmi Bhimaji Bhalerao died on 21/11/2025. The said facts need to be brought record. Hence, the following order is passed.

O R D E R

- 1) The application at Exh.47 is allowed.
- 2) The application at Exh.49 and 51 are filed.
- 3) The plaintiff is directed to put remark as "dead" after the name of defendant No.6 Laxmi Bhimaji Bhalerao.
- 4) The plaintiffs are directed to carry out aforesaid amendment and file amended copy of plaint on record within 14 days from the date of this order.
- 5) Parties to note.

Sd/-

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

Date : 28/04/2026
Ghodegaon,

CERTIFICATE

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

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 : 28/04/2026.

Order signed by P. O. on : 28/04/2026.

Order uploaded on : 28/04/2026.