



REGULAR CIVIL SUIT NO. 6/2010
COMMON ORDER BELOW EXH. 178, 188 AND 190

The plaintiffs have filed application at Exh.178 for bringing legal heirs of plaintiff No.5 on record, application at Exh.188 for setting aside abatement and application at Exh.190 for condonation of delay. The defendant nos. 1/2/1 to 1/2/5, 1/1, 2/1, 2/2, 2/6, 3/1, 3/2, 4/1, 5/1/1 to 5/1/4, 5/2, 6/1 to 6/3, 7/1, 7/2 and proposed plaintiffs have filed their say.

2. Ld. Counsel for the plaintiffs submits that plaintiff no.5 Manjula Sakharam Phule expired on 17/07/2025 and her son Shantaram Sakharam Phule expired on 11/01/2022. It is submitted that there was delay in obtaining death certificates and particulars of legal heirs, hence delay be condoned, abatement be set aside and legal heirs be brought on record.

3. Ld. Counsel for the defendants nos.1/2/1 to 1/2/5, 1/1, 2/1, 2/2, 2/6, 3/1, 3/2, 4/1, 5/1/1 to 5/1/4, 5/2, 6/1 to 6/3, 7/1, 7/2 submits that appropriate order be passed.

4. On perusal of record, it appears that the plaintiffs have produced death certificates showing dates of death as 17/07/2025 and 11/01/2022. The applications are filed on 11/03/2026. As the applications are filed beyond prescribed period, abatement is deemed to have occurred. The delay is explained on the ground of time taken in obtaining death certificates and particulars of legal heirs. The cause shown is sufficient. In order to decide the matter on merits, the applications deserve to be allowed. No prejudice will be caused to the defendants. Hence, following order is passed.

ORDER

1. Application at Exh.190 for condonation of delay is allowed.
2. Application at Exh.188 for setting aside abatement is allowed.
3. Application at Exh.178 is allowed.
4. Plaintiffs are permitted to bring legal heirs of plaintiff No. 5 on record.

Panvel
Date : 02/05/2026

(A.S. Badgujar)
2nd Jt.Civil Judge Senior Division,
Panvel.