



REGULAR CIVIL SUIT NO. 6/2010
COMMON ORDER BELOW EXH. 180, 192 AND 194

The Plaintiffs have filed application at Exh.180 for bringing legal heirs of defendant No. 1/2 on record, application at Exh.192 for setting aside abetment and Exh. 194 for condonation of delay in bringing the legal heirs on record. 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 the proposed defendants have filed their say.

2. Ld. Counsel for the plaintiffs submits that defendant no.1/2 Shantabai Mahadev Mirgunde expired on 04/12/2010. It is submitted that the plaintiffs had no knowledge of her death and there was delay in obtaining details of her legal heirs. Hence, delay may be condoned and legal heirs be brought on record.

3. Ld. Counsel for 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 submits that appropriate order be passed.

4. On perusal of record, it appears that the plaintiffs have produced death certificate of defendant

no.1/2 showing dates of death as 04/12/2010 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.194 for condonation of delay is allowed.
2. Application at Exh.192 for setting aside abatement is allowed.
3. Application at Exh.180 is allowed.
4. Plaintiffs are permitted to bring legal heirs of defendant no. 1/2 on record.

Panvel
Date : 02/05/2026

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