



REGULAR CIVIL SUIT NO. 6/2010

COMMON ORDER BELOW EXH. 115, 224 AND 226

The Plaintiffs have filed application at Exh.115 for bringing legal heirs of defendant No. 6 and 7 on record, application at Exh.224 for setting aside abetment and Exh.226 for condonation of delay in bringing the legal heirs on record. The defendant no. 6/1 to 6/3 and other defendant have filed say.

2. Ld. Counsel for the plaintiffs submits that defendant no.6 Vasant Raghoji Bhujbal expired on 05/08/2013 and defendant no.7 Gangaram Raghoji Bhujbal expired on 15/05/2013. It is submitted that there was delay in obtaining particulars of their legal heirs. Hence, delay be condoned, abatement be set aside and legal heirs be brought on record.

3. Ld. Counsel for the defendant has strongly objected and submits that appropriate order may be passed. Ld. Counsel for the defendant no.6/1 to 6/3 has given no objection.

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

nos.6 and 7 showing dates of death as 05/08/2013 and 15/05/2013 respectively. 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 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.224 for setting aside abatement is allowed.
2. Application at Exh.226 for condonation of delay is allowed.
3. Application at Exh.115 is allowed.
4. Plaintiffs are permitted to bring legal heirs of defendant no. 6 and 7 on record.

Panvel

Date : 06/05/2026

(A.S. Badgujar)

2nd Jt.Civil Judge Senior Division,
Panvel.