

**MHRG110000032019**



**COMMON ORDER BELOW EXH. 34, 36 AND EXH. 38**  
**IN R. C. S. NO. 01/2019**  
**(Passed on 11.09.2023)**

These are applications filed by the plaintiffs for condonation of delay in filing application for setting aside abatement order, setting aside abatement order and to bring legal representative of the deceased defendant No. 2 on record. The defendants filed say and submitted that, there is no sufficient reasons mentioned in the application and no proper explanation submitted by the plaintiffs. Hence, he pray to reject the application with heavy costs.

2. The learned counsel of plaintiffs submitted that, defendant No. 2 is died, on perusal of mutation entry it appears that, deceased defendant No. 2 is died on 12.05.2020. The plaintiffs submitted that, information is not given by the defendants and the defendants counsel about the defendant No. 2. Therefore could not filed application within period. Hence, legal representatives of the deceased defendant No. 2 could not bring on record within stipulated period. The learned counsel of plaintiffs submitted that, delay is not intentionally. The applicants have given justifiable cause for not filing applications within time limit provided for brining legal representative on record. If the

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applications allow no prejudice will caused to other side, nature of suit will not change and it is necessary to decide matter properly. So far as, delay in filing said application is concerned, by awarding costs, it will suffice the purpose. Hence, in the interest of the justice, I pass following order.

**ORDER**

1. Application at Exh. 34, 36 and Exh. 38 are allowed subject to costs of Rs. 2,000/- (Rupees Two Thousand only) to be given to the defendants.
2. The plaintiffs are allowed to bring legal heirs of deceased defendant No. 2 on record.
3. The plaintiffs to comply order on or before next date and thereafter file amended copies of plaint along with copies for legal representative of the deceased defendant No. 2.

Mangaon,  
Date : 11.09.2023

(G. C. Fulzalke)  
Joint Civil Judge Junior Division,  
Mangaon, Dist. Raigad.