

MHRG110003902013



COMMON ORDER BELOW EXH.103, 105 AND EXH.107
IN R. C. S. NO.118/2013.
(Passed on 22.10.2024.)

These applications are filed on behalf of the plaintiffs for condonation of delay in filing application for setting aside abatement order, setting aside abatement order and to bring legal heirs of deceased defendant No.16 Sumitra Mahadev Sathe.

2. The defendants submitted that, they have strong objection to the said application, they submitted that, the application is not filed within a stipulated period. Hence, the application is barred by limitation, therefore, the application is liable to reject. He further pointed out that if the application is allowed, additional cost should be imposed on the plaintiffs.

3. The plaintiffs submitted that, defendant No.16 Sumitra Mahadev Sathe is died, on perusal of death certificate, it appears that, therein mentioned that, Sumitra Mahadev Sathe is died on 08.06.2020. The plaintiffs could not brings legal representatives of deceased defendant No.16

Sumitra Mahadev Sathe on record within stipulated period. The reason is given for causing delay for filing applications on record is due to lack of legal knowledge of the plaintiffs, they could not filed application for bring the legal representastives.

4. The plaintiffs have given justifiable cause for not filing applications within time limit provided for brining legal heirs on record. Considering the nature of the suit it appears that, right to sue survives against the legal heirs of the deceased defendant. Furthermore, if the applications allow no prejudice will be caused to other side, it is helpful in adjudication of matter on merit and to avoid multiplicity in the proceeding. 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. The applications at Exh.103, 105 and Exh.107 are allowed subject to costs of Rs.2,000/- (Rupees Two Thousands Only) to be paid to the defendants.
2. The plaintiffs are allowed to bring legal heirs of deceased defendant No.16 Sumitra Mahadev Sathe on record.
3. The plaintiffs to comply order on or before next date and file amended copies of plaint along with

.. 3 .. R.C.S.No.118/2013.
Shantabai-14 Vs. Shankar-15.

copies for legal heirs of deceased defendant No.16
Sumitra Mahadev Sathe.

Mangaon.
Date : 22.10.2024.

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