

MHRG110010772021



COMMON ORDER BELOW Exh. 44, 46 and Exh. 48.
IN R. C. S. NO. 86/2021.
(Passed on 19.12.2024.)

These applications are filed for condonation of delay in filing application for setting aside abatement order, setting aside abatement order and to bring legal representative of deceased plaintiff No. 1 Pandurang Ramaji Natekar on record.

2. The defendants file their say and submitted to strongly objected.

3. The applicants submitted that, plaintiff No. 1 Pandurang Ramaji Natekar is died, on perusal of death certificate below list at Exh. 51, it appears that, therein mention that “the Pandurang Ramaji Natekar is died on 14.09.2024”.The applicants submitted that, due to lack of legal knowledge, there is delay in bringing heirs on record. Ld. Counsel of the applicants submitted that delay is not intentionally. The applicants have given justifiable cause for not filing applications within time limit provided for bringing legal representative on record. If the applications allow no prejudice will caused to other side 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. There is delay of three months and five days. Hence, in the interest of the justice, I proceed to pass following order.

ORDER

- 1] Application at Exh.44, 46 and Exh.48 are allowed subject to cost of Rs. 300/- (Rupee Three Hundred only) be paid to the defendant.
- 2] On paying or depositing the costs of amount the applicants are allowed to bring legal heirs of deceased plaintiff No. 1 Pandurang Ramaji Natekar on record.
- 3] The applicants to comply order on or before next date and thereafter file amended copies of plaint along with copies for legal heirs of deceased plaintiff No. 1 Pandurang Ramaji Natekar.

Mangaon.

Date : 19.12.2024.

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