

(Order below Exhibit 33 and 35 in R.C.S no. 26/2020)

MHRG140001272020



Order below Exhibit 33 & 35

in

RCS No. 26/2020

(Passed on 02.04.2025)

1. These applications at Exhibit 33 and 35 are to set aside abatement against plaintiff no.2 i.e. Tukaram Sakharam Mhatre as he has expired on 02.09.2022 and to condone the delay to bring his legal heirs on record.
2. It is submitted that plaintiff no.2 passed away on 02.09.2022. They did not receive the death information in time. Since the application to bring legal heirs on record was not filed within the time limit, the suit is abated against plaintiff no.2. The legal heirs of deceased plaintiff no.2 is required to be brought on record and therefore delay to bring legal heirs of deceased plaintiff no.2 is required to be condoned. Therefore, the said applications need to be allowed.
3. The other defendants have not filed their say.
4. Perused the applications. Heard the Ld. Advocates for the plaintiffs.

(Order below Exhibit 33 and 35 in R.C.S no. 26/2020)

5. It is submitted that the plaintiff no.2 has died on 17.12.2015. Since, the death information was not received on time, legal heirs of plaintiff no.2 could not be brought on record within the time limit. There is a delay of almost 48 days in bringing legal heirs of plaintiff no.2 on record.
6. Considering the above facts, the applications deserves to be allowed. However, the delay needs to be compensated. Hence, I proceed to pass the following order:

:: Order ::

1. Applications at Exhibit 33 and 35 are allowed.
2. The abatement against plaintiff no.2 is set aside and the delay to bring legal heirs of plaintiff no.2 is condoned subject to cost of Rs. 1000/- to be paid to the TLSA.

Place:Uran
Date : 02.04.2025

(Ms. G. K. R. Tandon)
Jt Civil Judge, J.D.,
Uran