

Order below Exh. 68 in R.C.S. No. 02/2018

(CNR No. MHRT080000052018)

By the present application, it is contended that, defendant No. 01 Devaji Gopal Chogale has died on 06/02/2022. It is submitted that as the copy of his death certificate could not be received in time, application could not be made within prescribed period for bringing on record, his legal representatives. Thus, applications for condonation of delay and for setting aside abatement are made. So also, by the present application, it is prayed that, the leave to bring on record LRs of deceased defendant No. 01 be granted. Further, leave to amend the plaint accordingly, is prayed for.

02. Application is opposed on the ground that, unless the delay is condoned and abatement is set aside, present application is not tenable.

03. Perused the record. Heard both sides.

04. There is no dispute that Devaji Gopal Chogale has died on 06/02/2022. Noticeably, as per orders below Exh. 64 and 66, the delay is condoned and abatement is set aside. Thus, present application is very much tenable. The suit is for immovable property. In view of reason stated, aforesaid circumstances and the fact that the proceeding is in respect of immovable property, the application deserves to be allowed. It is noteworthy that, according to the plaintiff, there are in all five legal representatives of the deceased Devaji. However, after filing of the present application, on 01/01/2023 Rukmini Devaji Chogale has died. Her death certificate is produced on record as per list at Exh. 85. A pursis to that effect is also filed at Exh. 93. In view of these facts, plaintiff is permitted to bring on record LRs of deceased Devaji as shown at Sr. No. 02 to 05 in the application. Amendment in the plaint, is allowed accordingly. The application is allowed in above terms.

Date :- 24/08/2023

(B. D. Tare)
Civil Judge (J.D.), Deorukh.

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh. 68 in R.C.S. No. 02/2018)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date	:- 24/08/2023
Order signed by PO. on	:- 24/08/2023
Order uploaded on	:- 24/08/2023