

MHSN110003212009



ORDER BELOW EXH. 208 to 210
IN R.C.S.No. 57/2009

**(Chandrakant Rambhaji Mote Vs. Sahebrao
Bhimrao Mote)**

1. This is an application filed by the plaintiff for setting aside the abatement of the suit against Defendant No. 10, namely *Chandrabai Bhagwan Dhainje*, by condoning the delay and bringing her legal representatives on record.

2. It is the contention of the plaintiff that, the present suit is filed for partition. Defendant No. 10, Chandrabai Bhagwan Dhainje, died on 18/08/2019. The plaintiff could not obtain the death certificate in time and, therefore, could not take steps to bring the legal representatives on record within the prescribed period. Consequently, the suit stood abated against Defendant No. 10. Hence, the plaintiff has prayed for condonation of delay, setting aside the abatement order, and permission to implead the legal representatives of the deceased Defendant No. 10.

3. Defendants filed their say overleaf the application and strongly objected the application. It is contended that the reasons mentioned in the application are false and insufficient. According to them, no sufficient cause has been shown for condonation of delay. Therefore, they have prayed for rejection of the applications.

4. Heard both the advocates and perused the record. It appears that Defendant Nos. 1 and 2 have filed pursis below Exhibit-6 stating that Defendant No. 10 has died. The suit was instituted on 23/06/2009. The delay caused in filing the present application for setting aside the

abatement is approximately 1 year and 2 months. Considering the nature of the suit, which is one for partition, the legal representatives of the deceased defendant are necessary and proper parties for effective and complete adjudication of the dispute. The right to sue survives against the legal representatives. Though there is delay, the same can be condoned in the interest of justice, subject to payment of reasonable costs. Hence, I proceed to pass following order:

:: ORDER ::

- 1] Application Exh. 208 to 210 are allowed and delay is hereby condoned on cost of rupees 500/- to be deposited in the Court on next date.
- 2] Plaintiffs are permitted to make bracket to the name of defendant no. 10 as prayed in the application on next date.
- 3] Plaintiff shall file amended copy on next date.
- 4] Cost in Cause.

Date: 16/02/2026.

(**R.B.Kulkarni**)
Jt. C.J.J.D. Atpadi

Certificate

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	- A.S. Yadav
Court	- Jt. CJJD and JMFC, Atpadi.
Date	- 16/02/2026
Order signed by the Presiding Officer on	- 16/02/2026
Order uploaded on	- 17/02/2026