

MHSN150007552022



R.C.S./416/2022
Baban alias Maruti Pandurang
Mane
Vs.
Bapuso alias Bapusaheb Pan-
durang Mane

Order below Exhibit 57

1. Plaintiffs' Legal Representatives have sought condonation of delay in seeking set aside of abatement in respect of plaintiff who is claimed to have passed away on 21/11/2025. It is claimed that the plaintiffs' could not take Legal Representatives on record as they were unaware of legal procedure for bringing legal representatives on record. As the legal representatives could not be taken on record in time, the suit has been abated in respect of plaintiff. Accordingly, they have sought condonation of delay in seeking set aside of abatement.
2. Defendants have opposed the application on the ground that no sufficient ground is made out to explain the delay and, accordingly, have prayed that the application may be rejected with costs.
3. Perused application, say and the record. Heard both the sides.
4. There does not appear any dispute as regards the fact of death and date of death of deceased plaintiff to be 21.11.2025. Death certificate (Exh. 54) supports the plaintiff's claim regarding fact of death and date of death of deceased plaintiff. The application is supported with affidavit.

5. The plaintiff's averments regarding the period of delay and reasons therefor are supported with affidavit which is not refuted by any counter-evidence. Thus, the delay cannot be said to be deliberate. Inconvenience, if any, caused to the defendants can be compensated by imposing costs. The delay, therefore, deserves to be condoned in order to avoid multiplicity of litigations and to decide the real controversy between the parties at once on merits. Accordingly, following order is passed :

O R D E R

1. Application (*Exh. 57*) is allowed subject to cost of ₹500/- which the proposed plaintiffs shall pay to defendants.
2. The delay in seeking abatement of suit in respect of deceased plaintiff stands condoned, subject to payment of cost as above on or before next date.

(Typed and pronounced in open Court)

Date : 30.07.2026
Vita

Nitin C. Pawar
2nd Jt. Civil Judge Sr. Division, Vita.

CERTIFICATE

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

Name of the Stenographer : Miss. P. D. Tingare.
Court : 2nd Jt.Civil Judge Senior Division, Vita.
Date of Typing of : 30.07.2026.
Judgment / Order
Judgment/Order signed by : 30.07.2026.
the Presiding Officer on
Judgment/Order uploaded : 30.07.2026.
on