

MHSN150007552022



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

Order below Exhibit 55

Plaintiffs' LR's have sought 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 the legal procedure about the same. As the legal representatives could not be taken on record in time, the suit has been abated. Accordingly, he has sought set aside of abatement.

2. Defendants have opposed the application on the ground that contents in the application are false and said application is filed only to prolong the said matter. 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. Similarly, there does not appear any dispute as regards the Number of legal representatives of the deceased plaintiff. 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. As per provisions of Article 120 of the Limitation Act, the LRs ought to have been taken on record within a period of 90 days. However, as legal representatives were not taken on record within such period, the suit has been automatically abated.

6. There was delay in seeking the set aside of abatement. It has been condoned subject to payment of costs *vide* order passed below Exh. 57. It shows that the delay was not deliberate. The abatement, therefore, deserves to be set aside as the cause of action survives against the legal representatives of deceased plaintiff. Accordingly, following order is passed :

O R D E R

1. Application (*Exh. 55*) is allowed subject to compliance of order passed below Application (Exh. 57).
2. The abatement of suit in respect of deceased plaintiff stands set aside, subject to compliance as above.

(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