

MHSO070006382019



ORDER ON EXH. 35 IN R.C.S.No.510/2019
(Passed on 19th July 2025)

1. This application is filed by Plaintiffs to bring legal representatives of deceased defendant No. 3 namely Govind Shamrao Bahire and defendant No.15 namely Bhagirathi Audumbar Pawar. The Defendants filed say on the same application and consented to grant application. Heard Advocates for both sides. Perused the record.

2. It is submitted by plaintiffs that, during the proceeding the defendant No.3 died on 02.05.2023 and defendant No.15 died on 19.02.2024. They could not get the information about death of defendant No.3 and 15 within time, therefore, they failed to take legal representatives of deceased defendant No.3 and 15 within time. Therefore, the suit is abated against the defendant No.3 and 15. The deceased defendant No.3 has legal representatives i.e. two sons and one daughter as well as defendant No.15 has legal representative i.e. two daughters.

The plaintiffs have filed death certificates of the defendant No.3 and 15 alongwith list Exh.40/1 and 40/2 respectively. The death certificates shows that, defendant No.3 has been died on 02.05.2023 and defendant No.15 has been died on 19.02.2024. Thereafter their proposed legal representative were summoned. However, they failed to appear

till today. Plaintiffs have not specifically objected the application. The application is supported with affidavit. The present suit is filed for fixation of boundaries of suit properties and perpetual injunction. Thus, right to sue survives after the death of defendants No.3 and 15. The delay caused in bringing legal representatives is condoned and abatement is set-aside as per order passed below Exh.45. Thus, proposed representatives can be brought on record. For the reasons mentioned above following order is passed.

ORDER

1. Application at Exh.30 is allowed.
2. The plaintiffs are directed to carry out the amendment and bring legal representatives of deceased defendants No. 3 and 15 on the record on or before next date.
3. No order as to costs.

Pandharpur.
Date : 19.07.2025.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

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

Name of Stenographer	:-	D.S.Landage (Grade-III)
Court	:-	Jt. Civil Court,J.D., Pandharpur.
Date	:-	19.07.2025.
Judgment/Order signed by the Presiding Officer	:-	19.07.2025.
Judgment/Order uploaded on	:-	19.07.2025.