

MHSO070006382019



ORDER ON EXH. 45 IN R.C.S.No.510/2019
(Passed on 19th July 2025)

1. This application is filed by plaintiffs to set-aside abatement caused due to death of defendants No. 3 namely Govind Shamrao Bahire and defendant No. 15 namely Bhagirathi Audumbar Pawar and to condone delay for bringing their legal representatives on record. 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 defendants No.15 died on 19.02.2024. They could not get the information about death of defendants No.3 and 15 within time, therefore, they failed to take legal representatives of deceased defendants No.3 and 15 within time. Therefore, the suit is abated against the defendants No.3 and 15. Application is filed on 30.06.2025. Thus, there is delay of 1 year and 08 months for bringing legal representatives of defendant No.3 and delay of 11 months in bringing legal representatives of defendant No.15. After their death right to sue survives. Hence, in order to decide dispute finally it will be appropriate to bring legal representatives on record and to decide suit on merit. Therefore, it will be appropriate to condone the delay and set-aside abatement order. However, due to inaction on the part of plaintiffs the suit is protracted and delayed. It needs to be

compensated in terms of costs. For the reasons mentioned above following order is passed.

ORDER

The application (Exh.45) is hereby allowed subject to payment of costs of Rs.500/- payable to the set of legal representatives of defendants No.3 and 15 each thus total costs payable is Rs.1,000/-.

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.

::4::

R.C.S.No. 510/2019 (Exh.45)