

COMMON ORDER BELOW EXH. 21, 26 & 28
(Date 22/01/2026)

The plaintiff has filed the present applications for setting-aside the abatement, condonation of delay and permission for bringing Lrs. of deceased defendant No.4 Sudhamati Pandurang Avghade on record.

[2] Perused the applications. Heard the plaintiff. The plaintiff has submitted that, defendant No. 4 Sudhamati Pandurang Avghade passed away on 11.09.2025. Thereafter due to adequate information about deceased legal heirs and adequate documents, there is quit delay for substitution of legal heirs within stipulated period. Accordingly, he prayed for condonation of delay and for substituting legal heirs of deceased defendant No. 4 Sudhamati Pandurang Avghade on record.

[3] As the suit is for measurement, fixation of boundaries and injunction and in view of reasons, it is necessary to condone the delay, to avoid multiplicity of proceeding and to decide rights of all the parties in the same suit, it would be just and proper to permit the plaintiff to substitute legal heirs of deceased defendant No.4 Sudhamati Pandurang Avghade. As far as question of delay is concerned, it can be compensated by awarding costs to defendants. Hence, the following order :

ORDER

[1] Application at Exh.21, 26 and 28 are allowed, subject to cost of Rs.300/- (Rs. Three Hundred Only) and delay is condoned for substituting the L.R.'s of deceased defendant No. 4 Sudhamati Pandurang Avghade on record. Cost be given to defendants.

[2] The plaintiff is permitted to add the legal heirs of deceased defendant No. 4 Sudhamati Pandurang Avghade on record and he is further permitted to write the word 'deceased' after the name of defendant No.4 Sudhamati Pandurang Avghade. The plaintiff is directed to carry out the necessary amendment below Exh.1.

Date : 22/01/2026

(U. B. Pethe)
Jt.Civil Judge Jr. Div.,
Malshiras.

