

R.C.S. No. 9/2016
(Jaysing Vs. Baban & Ors.)

Common order below Exh.52, 54 & 56
(Passed on 6th October, 2022)

The legal heirs of deceased plaintiff filed application (Exh.52) for condonation of delay in bringing them as the legal heirs of plaintiff on record, whereas application (Exh.54) has been filed for setting aside the abatement order and application (Exh.56) has been filed for carrying out necessary amendment in respect of the legal heirs of deceased plaintiff.

2. The defendants have resisted the applications by contending that the reason mentioned in the application is unreasonable. Defendant no. 3 has filed his specific say at Exh.65. He contended that there is long delay of more than one year in bring the legal heirs of deceased plaintiff on record. The reason mentioned for delay is not cogent. Hence, the applications be rejected by imposing cost.

3. Perused the record. Heard both the sides. The present applicants have filed original death certificate of deceased plaintiff, which shows that he died on 03/05/2021. The present applications came to be filed on 16/04/2022. Therefore, it is clear that there is long delay in filling the present applications. The deceased plaintiff has filed the present suit of declaration and cancellation of registered documents dt.11/09/2002 and 01/08/2003. He also prayed for declaration of his ownership over the suit property along with its separate possession. Considering this nature of suit, even after the death of plaintiff, right to sue services. Hence, his legal

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heirs are required to be brought on record. So far as the delay is concerned, the same may be compensated by imposing heavy amount of cost. Hence, the following order.

ORDER

1. The applications (Exh.52, 54 and 56) are hereby allowed subject to payment of cost of Rs. 1000/- (Rupees One Thousand Only).
2. After payment of cost as above, the abatement order of deceased plaintiff shall stand cancelled. Necessary amendment be carried out till next date.

[Dictated and pronounced in open Court.]

Date:-06/10/2022

**(R. M. Bhende)
Jt. Civil Judge, Jr. Dn., Wai**

CERTIFICATE

“ I certify that this Order uploaded is a true and correct copy of original signed Order”.

Order dictated on : 06.10.2022

Order checked and signed on : 06.10.2022

Uploaded by : S. S. Kumbhar.
Stenographer (Grade-III)

Uploaded on : 07.10.2022