

**ORDER BELOW EXH. No.59 IN R.C.S NO. 05/2015**  
**(Ramesh and Ors. Vs. Manorama and Ors.)**

1. This is an application made by applicant/plaintiff no.1 to condone delay for getting set-aside abatement of deceased defendant no.1 Manorma. Non-applicants filed say on said application.
2. Heard. Read the application and say. Perused the record and proceeding. I have also gone through the relevant provisions of the Code of Civil Procedure and the Limitation Act, 1963. This is suit for cancellation of sale deed and partition.
3. The deceased defendant no.1 is reported to have died on 19/05/2023. However, applicant neither brought L.R.'s on record within 90 days from the date of death of defendant no.1 nor filed an application for setting-aside his abatement within 60 days from the date of abatement. The suit is automatically abated against deceased defendant no.1. Hence, applicant is seeking delay condonation for getting set-aside abatement of defendant no.1. The applicant contended that he could not bring L.R.'s of deceased defendant no.1 on record and file an application to set-aside abatement of deceased defendant no.1 within limitation due to advocate for defendants not communicated death of said deceased to plaintiffs. The application is supported by an affidavit. Hence, it is well settled that opportunity of natural justice should be given to everyone. In view of this, an opportunity is required to be given to applicant.
4. In order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is

necessary to bring the legal representatives of deceased defendant no.1 on record. For this, delay should be condoned to file application for getting set-aside abatement of defendant no.1. In view of discussions supra, I am of the considered opinion that the application is liable to be allowed. Hence, the order.

**ORDER**

- 1] The application is hereby allowed.
- 2] The delay is condoned to file application for getting set- aside abatement of defendant no.1.

Mangrulpir  
Date- 23.12.2024

**(Khwaja C. Kalal)**  
Jt. C.J.J.D. Mangrulpir  
Tal. Mangrulpir, Dist.Washim.

**CERTIFICATE**

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.”

Name of Steno : Shri. Gadge C.R. (Grade – III)

Court Name : Shri. Khwaja C. Kalal,  
Jt. C.J.J.D. & J.M.F.C., Mangrulpir.

Date of Order : 23.12.2024

Order signed by presiding officer on : 23.12.2024

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