

ORDER BELOW EXH. 21

(Passed on this 10th day of July, 2025)

The plaintiffs have filed this application for condonation of delay and for setting aside abatement order. It is submitted that the plaintiff no. 1 Sudam Ragho Khartade died on 27.03.2024.

2. Defendants have filed their say on the back leaf of application and opposed the application on the ground that delay is deliberate and willful.

3. Read the application and reply. Perused the record. Heard the learned advocates for plaintiffs and defendants. It is the contention of learned advocate for plaintiffs that the other plaintiffs have not informed him about the death of plaintiff no. 1 within time. Therefore, the delay in order to file the application for taking the legal heirs on record is occurred. He further contended that the delay is neither willful nor deliberate.

4. The Plaintiffs have filed this application on affidavit and therefore, no question arises to raise any doubt. The delay is technical in nature and it was not intentional or deliberate. No prejudice would be caused to any party if the application is allowed. In order to decide the matter on merits it is necessary to bring the legal heirs of plaintiff on record. Hence, I pass the following order :

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ORDER

1. The application at Exh.21 is allowed subject to cost of Rs. 500/- payable to defendants.
2. The delay for bringing the legal heirs of deceased plaintiff no. 1 on record is condoned and abatement is set aside.

Ghatanji.
Date : 10.07.2025

(P. R. Patil)
Civil Judge Junior Division,
Ghatanji.