



ORDER BELOW EXH.46 IN
REGULAR CIVIL APPEAL NO. 136/2024
(Old Regular Civil Appeal No.104/2015)

(Namdev Dhondi Kadam & Ors. Vs. Bapu Parsu Kadam & Ors.)

1. This is an application for setting aside abatement to bring legal heirs of deceased respondent No.33 Kontabai Tanaji Nikam on record. Perused the application & say. Heard both sides.

2. It reveals that respondent No.33 Kontabai Tanaji Nikam died on 01/05/2014. It is contention of the appellants that the appellants were unaware about taking legal heirs of the deceased on record. They were required to collect details of legal heirs. Therefore, delay is caused. Considering the reason of delay and the fact that proposed legal heirs of respondent No.33 Kontabai Tanaji Nikam are necessary parties, delay can be condoned and abatement order can be set aside and the appellants can be allowed to carry out amendment in appeal memo. Hence, I pass the following order.

ORDER

1. Application Exh.46 is allowed.
2. Abatement is set aside for bringing legal heirs of respondent No.33 on record.
3. Application Exh.46 disposed of accordingly.

Vita
dt.17/06/2026

(R.R.Bhagwat)
District Judge-1,Vita