



Dilip Navnath Shelke
Vs.
Vasant Parshram Shelke

COMMON ORDER BELOW EXH. 71 & 73.

(Passed on 18/11/2025)

1] The present applications are filed by the plaintiffs for condoning delay and setting aside abatement order. Heard the learned advocate Shri. R. M. Unde for the plaintiffs. He submitted at bar that, the defendant No. 5 Ashok Bapusaheb Shelke died on 08/04/2025. The plaintiffs failed to bring the LR's of deceased defendant No. 5 on record within stipulated period. The matter is pertaining to the immovable property where the valuable right of the both the parties are involved. Hence, he prayed for setting aside abatement order.

2] The learned advocate for defendant Nos. 1 to 4 strongly opposed the applications and prayed to reject the same.

3] Perused the applications and affidavit. On perusal of death certificate of the defendant No. 1 Ashok Shelke, it depicts that, he died on 08/04/2025 and present application is filed on 18/07/2025. There is delay of 3 months in making the present application. Plaintiff's contended that, the delay is not intentional.

4] The suit is for injunction in respect of immovable property. In order to avoid multiplicity of proceedings and to decide the controversy between parties at once on merit. Accordingly, I proceed to pass following order:

ORDER

Abatement order passed against the defendant No. 5
Ashok Bapusaheb Shelke is hereby set aside.

Date: 18/11/2025.

(Mayur E. Pawar)
Civil Judge Senior Division,
Tal. Rahuri, Dist. Ahmednagar.