

ORDER BELOW EXHIBIT NO. 46, 48 and 50.

1. The applications have been filed by the plaintiff for setting aside abatement, condonation of delay and to bring the legal representative of defendant No. 1 Laxman Sayaji Kachare. It is contention of the plaintiff that defendant No. 1 was died on 13.01.2024. But, due to unavailability of necessary documents and death certificate of deceased he could not bring on record and prayed to set aside abatement of deceased defendant No. 1 and permission to bring legal representative of the deceased defendant No. 1 on record.

2. Say filed by the defendant and strongly objected to the applications.

3. Perused the applications and say filed by defendant and record. Heard learned counsel for the plaintiff and defendants, at the length.

4. The present suit filed by the plaintiff for measurement and possession. Defendant No. 1 was died on 13.01.2024 and present applications filed by the plaintiff on 27.09.2024. The plaintiff did not adduce evidence. By proposed amendment nature of suit will not change. No prejudice will be cause to defendants in-fact the the suit will be decided on its own merit as per the principle of natural justice. For the delay the defendant will be compensated. Therefore, I passed

following order.

ORDER

1. The applications at Exh. 46, 48 and 50 are allowed by cumulative costs of Rs. 300/-
2. The plaintiff shall carry out necessary amendment and filed amended copy of plaint on or before next date.

(Pronounced and dictated in open court)

Date:-14.10.2025

Place:- Pathardi

[Ravikiran Sapate]
Civil Judge Jr. Division,
Pathardi.