

MHAH230011232014



**Kashinath Ramji Padale**  
**Vs. Phulabai Vithal Padale**

**Order Below Exhibit 75**

1. The plaintiff has filed this application to set aside the abetment order was passed against defendant number one and defendant number two.
2. According to the plaintiff, during the pendency of the suit, defendant number one died on April 24, 2019. Her legal heirs are already on record. Defendants number two and three are her legal heirs. Defendant number two died on November 27, 2022. The plaintiff, being illiterate, was unaware of court procedures and due to a lack of knowledge, the legal heirs of defendant number two were not taken on record. The delay was not caused intentionally. To decide the matter on its merits, it is necessary to set aside the abetment order passed against the deceased defendant. Therefore, the plaintiff prayed for the allow the application.
3. The defendant filed a reply to the application stating that no proper legal reason was mentioned in the application and that the

application was not supported by duly legal documents. The defendant requested for the application to be dismissed.

4. Having heard the learned advocate for the plaintiff, it is noted that this is a suit for partition and separate possession against the defendants. To decide the suit on its merits, the legal heirs of defendants number one and two are necessary parties. To avoid multiple suits and to resolve the dispute between the parties, the application needs to be allowed. If the application is allowed, no loss will be caused to the defendant, who will be compensated by way of costs. Hence, the following order:

### **ORDER**

The application at Exhibit 75 is allowed subject to a cost of ₹ 500 to each surviving defendant.

Place : Shrigonda  
Date: 19.06.2025

(R. B. Khawale)  
2nd Joint Civil Judge Junior division,  
Shrigonda