

MHGA090007422021



**IN THE COURT OF EXTRA JT. CIVIL JUDGE (JUNIOR DIVISION), Chamorshi**  
(Presided Over by S.A. Bhaisare)

**Reg.C.S. No. 32/2021****Kawadu Waghunaitam****... Plaintiff****-VERSUS-****Uttam Sudhanya Mandal****... Defendant**

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**ORDER BELOW EXH.70**(Passed on 12<sup>th</sup> August, 2025)

The present application is made by plaintiff thereby soliciting to set aside abatement of suit. The application is opposed by the defendant by filing his say.

2. Perused application and reply thereon. Heard both the sides.
3. Perused the record. The suit is filed for perpetual injunction. It appears that the plaintiff no.1 died on 19-08-2024. The plaintiff ought to have brought the legal representatives of plaintiff within 90 days from the date of death of the plaintiff no.1. He failed to do so. Considering the nature of suit, the legal representatives of the plaintiff no.1 have a right, title or interest in the suit property. They are necessary parties. As such, right to suit survive in their favour. Hence, the following is order passed.

**ORDER**

1. The Application at Exh.70 is allowed.

2. The abetment of suit is hereby set aside.

Sd/-

Place:- Chamorshi  
Date:- 12/08/2025.

(S. A. Bhaisare)  
Extra Jt. Civil Judge, (Jr.Dn.),  
Chamorshi