

MHKO050001451996



R.C.S.No.350/1996

Raghunath Chavan V/s. Balu Chavan and Ors.

Order passed below Exh.1

The language of Order XXII, Rule 1 of the C.P.C. itself is clear that no abatement, if right to sue survive. Needless to mention, in such types of cases all are the Plff/s. and all are the Deft/s. Hearing is concluded and matter is at the verge of culmination. Thus, death of one of the party would not affect much because as per their entitlement, they would get either by *per capita* or *per strip*. Mr.Patil, Adv. prays to pass a specific Order, thereby, abating the suit against Deft.No.27/5.

2. Considering the age of the matter, in order to avoid any technical complication, pursis is placed on record. However, point of abatement of the Suit against the party who is no more is kept open including non joinder / misjoinder of the parties and with consent of both the sides now, matter is fixed for final argument.

sd/-
(Ganesh A. Ghule)
3rd Jt. Civil Judge, Jr.Divn.,
Ichalkaranji.
Dist.Kolhapur.
J.O.Code : 2594

Date : 18/12/2023.