

MHKO070007392016



R.C.S.No.140/2016

**Shri.Sultan Aappalal Mujawar
Vs.Shivaji Shankar Pawar etc 9.**

ORDER BELOW EXH. NO.26

Perused application and say. Heard both the sides. Applicants prayed for setting aside the abatement in respect of deceased plaintiff no.1. The learned advocate for the defendants endorsed their say on the application and submitted that plaintiff has not mentioned specific reason. Therefore, application be rejected.

2. Applicants submitted that, after the institution of the suit the plaintiff no.1 died on 11/11/2021, but due to the lack of legal knowledge of the applicants, they have not made able to contact with their advocate and proceed further as per rule. The abatement needs to be set-aside. Hence, applicants prayed for allowing the application.

3. Per contra, the learned advocate for the defendants endorsed their say on the application and submitted that plaintiff has not mentioned specific reason. Therefore, application be rejected.

4. The present suit is for permanent injunction in respect of the suit property. It is necessary that every suit to be decided on the merit. On perusal of the suit it seems that there are valuable rights of the applicants are involved in the suit. If the applicant has not given the opportunity to contest the suit then they will suffer the huge loss. The right to sue in respect of present applicants survives. Therefore,

considering the reasons stated in the application it needs to be allowed.
Read Exh.25. Hence, I pass the following in the interest of justice.

ORDER

1. Application is allowed after depositing the cost vide Exh.25.
2. The order passed vide Exh.25 is treated as part and parcel of this order.
3. Parties to take note accordingly.

Date:- 15/07/2024

(A.T.Mangire)
2nd Jt. Civil Judge, Jr. Div.,
Jaysingpur

I affirm that the contents of this P.D.F file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri.R.L.Mane.
Name of Court	2 nd Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	15/07/2024.
Judgment/order signed by the PO on	15/07/2024.
Judgment/order uploaded on	15/07/2024.