



R. C. S. NO. 172/2000

MHKO110000031974

Bapusaheb Patil Vs. Babu Patil

COMMON ORDER BELOW EXH. 136 AND 137

These are applications filed by the plaintiff praying to set aside the abatement of the suit as against plaintiff No.2D and, inter alia, seeking permission to bring his legal heirs on record.

2. It is submitted that plaintiff No.2D, Raosaheb Bapu Patil, died on 05.02.2008. It is submitted that the right to sue survives. However, for want of knowledge of the legal heirs, their names could not be brought on record within the stipulated period and, therefore, delay was caused in bringing their names on record. It is further submitted that the suit is for possession and, therefore, it is necessary to set aside the abatement of the suit as against plaintiff No.2D and to bring his legal heirs on record.

3. From the submissions, it appears that, during the pendency of the suit, plaintiff No.2D, Raosaheb Bapu Patil, died and the right to sue survives. Considering the nature of the suit, I pass the following order,

ORDER

1. Applications are allowed.
2. The abatement of the suit as against plaintiff No.2D is set aside.
3. Permission is granted to bring the legal heirs of plaintiff No.2D on record on or before the next date.

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4. The plaintiff shall carry out the necessary amendment in the plaint and file an amended copy on or before the next date.

Date: 09.07.2026
Peth-Vadgaon

(R. K. Deshpande)
Civil Judge Junior Division,
Peth-Vadgaon