

MHKO110003062014

**R.C.S. No. 102/2014****Ashok Eshwara Kambale****Vs.****Sunil Jaysingh Kambale****ORDER BELOW EXH. 68**

Present application is filed by the plaintiffs to set aside abatement order against deceased plaintiff No. 1.

02. The plaintiffs contended that, plaintiff No. 1 namely, Ashok Ishwara Kamble has died on 06/10/2022. Due to insufficient documents, plaintiffs failed to bring legal heirs of deceased plaintiff No. 1 on record within stipulated period. No prejudice will be caused to the defendants if present application is allowed. Hence, for the reasons stated in the application, plaintiff prayed to allow the application.

03. Defendants have filed their say overleaf of the application and strongly resisted to it by contending that, no cogent reasons stated in the application. Plaintiffs have not explained the delay day to day. Only to prolong the matter plaintiffs have filed present application. Sufficient opportunity was already given to the plaintiffs to bring legal heirs on record. Hence, present application be rejected with costs.

04. I have perused application and say. It appears that, present suit is filed for partition, separate possession declaration and injunction against the defendants. If said application is not allowed, then the legal heirs of deceased plaintiff No. 1 will suffer huge loss which can not be count in money. Hence, considering all facts and

circumstances. It would be proper to allow the application by awarding cost on plaintiffs. Hence, I pass following order.

ORDER

Present application (Exhibit No. 68) is allowed subject to costs of Rs. 1000/- (Rupees One Thousand Only) payable to defendants.

Date : 20/04/2026
Peth-Vadgaon.

(J. N. Bhasme)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.