

**MHKO110004522017**



**Reg. Civil Suit No.55/2017.**

(CNR No.MHKO110004522017)

**Common Order Below Exh. 38, 39 And 40.**

01. The plaintiff made the present applications for setting aside abatement, delay for taking legal representatives of deceased plaintiff no.4 namely Rajaram Appa Naik and for taking his legal representatives on record.

02. The plaintiffs further submitted that, they instituted the present suit for the removal the encroachment, against the defendants. Plaintiff no.4 namely Rajaram Appa Naik was died on 23/01/2020. But, due to some domestic problems it was not possible to them to bring his legal heirs on record. Now, in the interest of justice, presence of legal representatives of deceased plaintiff is necessary and hence they prayed to allow the applications by setting aside the abatement and condoning the delay caused to bring on record, legal representatives of deceased plaintiff no.4 namely Rajaram Appa Naik.

03. Ample opportunities are given to defendants to file their say. But they failed to file their say on record within stipulated period. Hence, present applications are proceeded without their say.

04. Read application and perused record. Heard to learned advocate appearing for the plaintiffs. On perusal it reveals that, the plaintiffs have filed the suit for removal the encroachment, against defendants. Plaintiffs also file the death certificate of deceased plaintiff no.4 namely Rajaram Appa Naik on record vide **Exh. 35/1**. On perusing the said death certificate it appears that, plaintiff no.4 namely Rajaram Appa Naik was demised on 23/01/2020. Plaintiffs further submitted

that, 4-1 – Vandana Rajaram Naik, 4-2 – Rahul Rajaram Naik and 4-3 – Soyala Rajaram Naik are the only legal heirs of deceased Rajaram Appa Naik. It is also observed that, in order to enable the Court to effectively and completely adjudicate upon and settle all questions involved, it is necessary to have on record the presence of the proposed party. With this, I proceed to pass the following order -

**ORDER.**

1. The applications vide **Exh.38, Exh.39 And Exh.40** are hereby allowed.
2. The abatement order against plaintiff no.4 namely Rajaram Appa Naik is hereby set aside.
3. The delay occurred in bringing the legal heirs of plaintiff no.4 namely Rajaram Appa Naik, on record as mentioned in this application is hereby condoned.
4. The plaintiffs are hereby permitted to bring legal representatives of plaintiff no.4 namely Rajaram Appa Naik on record.
5. The plaintiffs are hereby directed to make necessary amendment in the plaint.
6. The plaintiffs are hereby directed to file amended copy of the plaint on record, accordingly.
7. Applications vide **Exh.38, Exh.39 And Exh.40** are disposed off accordingly.

Date : 08/04/2026.

( **Shrinivas A. Kulkarni.** )  
Civil Judge Jr.Dn., Peth-Vadgaon.