

**Order Below Exh.45 In R.C.S. No. 57/2020****CNR No. :- MHKO110008032020****Passed on 23/01/2026**

This is an application filed by the plaintiff to set aside abatement order passed against defendant No.1.

2. Defendant No. 1 namely, Pandurang Raghunath Mohite was died on 07/11/2023. However, applicant failed to bring legal heirs of deceased defendant No. 1 within the period of 60 days. Hence, the suit is abated against defendant No.1. Hence, this application.

3. Defendant have filed their say on over leaf of an applicant and contended that, prayed for necessary order pass.

4. I have perused application and say filed thereon. Considering the nature of litigation right to survive against the defendant therefore, it is necessary to grant an opportunity to the plaintiff for contesting the matter by setting aside abatement order passed against defendant No.1. At the same time, delay caused by him can not be ignored. Hence, I pass following order.

ORDER

Application (Exhibit No. 45) is allowed subject to costs of Rs.500/- (Rupees Five Hundred Only) payable to defendant.

Date : 23/01/2026
Peth-Vadgaon.

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