

MHKO110017592017



Final Decree No.4/2017
(CNR No.MHKO110017592017)

Order below Exh.22

01] The applicant has filed this application for setting aside abatement order against opponent No.4.

02] The applicant has submitted that, opponent No.4 - Sou. Nirmala Chandrakant Kamble was expired on 27/06/2020. He further submitted that, as there is national lockdown declared due to COVID-19 pandemic, the applicant is not able to file the application within limitation before the Court. He has not deliberately caused delay. He further submitted that, in the interest of justice, presence of legal representatives of deceased opponent No.4 is necessary and hence the application be allowed.

03] The say of opponents was called. The Ld. Counsel for the opponent filed his say prayed for heavy costs, if application is allowed.

04] Read application and say. Heard. Perused record. On perusal it reveals that, the applicant has filed main application for final decree as per preliminary decree in R.C.S.No.320/2012. It is also observed that, in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved, it is necessary to allow the application. On the other hand opponents needs to be compensated in terms of costs. With this I proceed to pass the following order -

ORDER

- 1) The application is hereby allowed, subject to costs of Rs.500/- (Rs. Five Hundred), it be paid equally amongst opponents.
- 2) The abatement order against opponent No.4 - Sou. Nirmala Chandrakant Kamble is hereby set aside.

Date : 12/02/2022

(J. S. Gaikwad)
Civil Judge Jr.Dn., Peth-Vadgaon