


MHKO110020162024 	<b><u>CIVIL M.A. No. 36/2024</u></b> <b><u>Bapu Biru Dhangar (Vakase)</u></b> <b><u>Vs.</u></b> <b><u>Dnyanu Babu Vakase</u></b>
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**ORDER BELOW EXH. 24**

Present application is filed by the applicants to set aside abatement order against deceased opponent No. 5 on record.

**02.** The applicant contended that, opponent No. 5 namely, Rama Tuka Wakase has died on 13/01/2022 at Minache, Tal. Hatkanangale. However, applicant failed to bring legal heirs of opponent No. 5 on record within stipulated period. No prejudice will be caused to the opponents if present application is allowed. Hence, for the reasons stated in the application, applicant prayed to allow the application.

**03.** Opponents have filed their say overleaf of the application and strongly resisted to it by contending that, no cogent reasons stated in the present application. There is huge delay to bring legal heirs of deceased opponent No. 5 on record. Hence, they prayed to reject the application with costs.

**04.** I have perused application and say. It appears that, present matter is filed for restoration of suit against the opponents. If said application is not allowed, then the legal heirs of deceased opponent No. 5 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 applicant. Hence, I pass following order.

**ORDER**

Present application (Exhibit No. 24 is allowed subject to costs of Rs. 1000/- (Rupees One Thousand Only) payable to opponents.

**Date : 23/04/2026  
Peth-Vadgaon.**

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