

MHKO130002252012

RCS NO. 40/2012



Hari Narayan Jadhav

Vs.

Biru Appa Dhone

ORDER BELOW EXH.59

1] The plaintiff has filed this application for setting aside the order of the abatement against the defendant no.1.

2] Perused the application & say. Heard the learned advocate for the plaintiff. When called out repeatedly defendant and his learned advocate are absent for argument. Hence, the application is proceeded without argument of the defendant. On perusal of record, it appears that the legal heirs of the defendant no.1/B was not brought on record within stipulated period. Plaintiff has filed present suit for declaration & permanent injunction. Considering the reliefs sought and the nature of suit, legal heirs of defendant no.1/B is necessary to be bring on record for proper adjudication and for just decision of the suit. Considering the record, names of legal heirs should be taken on record so as to provide an opportunity during the proceeding as the right to sue is survived. The application has been duly supported by an affidavit. No reason to disbelieve the ground. However, huge delay has been caused by plaintiff. Therefore, the application is deserved to be allowed with cost. Hence I proceed to pass the following order:-

ORDER

1. The application is allowed.
2. The order of abatement against defendant no. 1/B is set aside subject to costs of Rs.1000/- [Rs. One Thousand only] which is payable to the Taluka Legal-Aid Services

Authority Kagal.

Kagal.

Date:- 13/02/2026

(Pranita S. Patil)

Jt. Civil Judge J.D. Kagal.