

MHKO130002252012

RCS NO. 40/2012



Hari Narayan Jadhav

Vs.

Biru Appa Dhone

ORDER BELOW EXH.71

1] The legal-heirs of plaintiff has filed this application for setting aside the order of the abatement against the plaintiff.

2] Perused the application. Heard the learned advocate for the legal-heirs of the plaintiff. Inspite of sufficient time & opportunity has been given to the defendants to file say, they failed to file say. Hence application is proceeded without say of the defendants. On perusal of record, it appears that the legal heirs of the plaintiff 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 plaintiff 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. Matter is more than 12 years old. However, huge delay has been caused by the applicant. Therefore, 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 plaintiff is set aside subject to costs of Rs.1000/- [Rs. One Thousand only]

which is payable to Taluka Legal-Aid Services Authority
Kagal.

Kagal.
Date:- 13/02/2026

(Pranita S. Patil)
Jt. Civil Judge J.D. Kagal.