

MHKO130003182024



RCS NO. 45/2024

Mohan Rangrao Patil

Vs.

Vilas Dattatray Jadhav & Ors.

ORDER BELOW EXH.15.

1] The plaintiff has filed this application for seeking permission for setting aside abatement against plaintiff & for condoning the delay caused for bringing the legal heirs on record.

2] Perused the application and say filed by the defendants. Heard both the sides. 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 perpetual 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. Hence I proceed to pass the following order:-

ORDER

1. The application is allowed.
2. The delay is condoned & the order of abatement against plaintiff is set aside subject to costs of Rs. 200/- [Rs. Two Hundred only] which is payable to the defendants.

Kagal.
Date:- 03/03/2025

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