

MHKO130004802016

RCS NO. 131/2016



Sou. Suman Baburao Khot

Vs.

Shri. Sadu @ Sadashiv Dadu Todkar

ORDER BELOW EXH. 51.

1] The plaintiff has filed this application for setting aside the order of the abatement against the plaintiff no. 2.

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 defendant no. 2 was not brought on record within stipulated period. Plaintiff has filed present suit for declaration & perpetual injunction. Considering the reliefs sought and the nature of suit, legal heirs of defendant no. 2 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 order of abatement against defendant no. 2 is set aside subject to costs of Rs. 700/- [Rs. Seven Hundred only] which is payable to the defendants.

Kagal.
Date:- 12/12/2024

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