

MHKO130005532013

RCS NO. 123/2013



Satyappa Ganpati Gandugade & Ors
Vs.
Abdulsar Mihiddin Nadaf & Ors.

ORDER BELOW EXH. 108.

1] The plaintiffs have filed this application for setting aside the order of the abatement against the defendant no. 3.

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. 3 was not brought on record within stipulated period. Plaintiffs have filed present suit for declaration & perpetual injunction. Considering the reliefs sought and the nature of suit, legal heirs of defendant no. 3 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. 3 is set aside subject to costs of Rs. 500/- [Rs. Five Hundred only] which is payable to the defendants.

Kagal.
Date:- 19/09/2024

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