



ORDER BELOW EXH.83 IN RCS NO. 134/2007.

(Kiran Balkrushna Kamble Vs Khandu Gopal More)

This application is filed by plaintiff No. 1 for getting permission for compliance as per order passed below Exh. 81.

02. It is submitted by plaintiff No. 1 that the Court permitted to bring the LR's of plaintiff No. 2 vide order below Exh. 81 subject to cost of Rs. 500/- on 06/11/2017, but since then, he failed to comply the said order. Hence, he prayed for getting permission for brining LR's of plaintiff No. 2.

03. In spite of repeatedly called none appeared for defendant. Hence, I proceed to decide this application without say of defendants on merit.

04. Perused the application and record. The application vide Exh. 81 was filed by the LR's of plaintiff No. 2 for brining LR's of deceased plaintiff No. 2 and same was allowed subject to cost of Rs.500/- on 06/11/2017. However, since then, the LR's of plaintiff No. 2 failed to appear and comply the said order. Therefore, on 17/06/2019 this Court abated the suit against plaintiff No. 2. Thereafter, this application is moved by plaintiff No. 1. It is pertinent to note that this application is not moved by the LR's, who has filed previous application of brining LR's vide Exh. 81. Plaintiff No. 1 is not concerned with previous application. So, he

has no right to seek permission for getting compliance. The conduct of remaining absence of LR's itself shows that they are not interested to proceed with this suit. Further, the Court already abated the suit against plaintiff No. 2 on 17/06/2019 by passing further order below Exh. 81. The application is not for setting aside said abatement order. Therefore, also the prayer of getting permission for compliance is liable to be rejected is not tenable. This application is seen time killing application and such type of practice needs to be controlled by imposing costs. Hence, following order is passed.

ORDER

The application is rejected subject of cost of Rs. 1000/- (Rs. One Thousand Only). Amount of cost be paid to TALSA, Kagal.

Date: 14/10/2019.

(V. H. Khedkar)
Jt. C.J.J.D., Kagal.