

MHKO130011372012



RCS NO. 331/2012
Shivaji Dnyanu Patil & Ors.
Vs.
Dinkar Dnyanu Patil & Ors.

ORDER BELOW EXH. 138.

1] The plaintiffs have filed this application for setting aside the order of the abatement against the plaintiff no. 11/D.

2] Perused the application. Heard the learned advocate for the plaintiffs. On perusal of record, it appears that defendants have failed to file say inspite of sufficient time & opportunity has been given to them. Hence, the application is proceeded without say of the defendants. On perusal of record, it appears that the legal heirs of the plaintiff no. 11/D was not brought on record within stipulated period. Plaintiffs have filed present suit for partition & perpetual injunction. Considering the reliefs sought and the nature of suit, legal heirs of plaintiff no. 11/D 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 plaintiff no. 11/D is set aside subject to costs of Rs. 600/- [Rs. Six Hundred only] which is payable to the defendants.

Kagal.
Date:- 05/05/2025

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