



ORDER BELOW EXH.57 IN R.C.S. NO.53/2023
[Lahu Tukaram Jamdar and Anr. v. Shreyash @
Shrikant Shamrao Jamdar and Ors.]

Plaintiffs have filed present application for bringing on record legal heir of deceased defendant No.3.

02. Defendants have strongly resisted present application by filing their say on overleaf of present application. They contended that, the application is devoid of merits. Hence, they prayed that, the application may be rejected.

03. In spite of service of notice, legal heirs of defendant No.3 failed to appear in the suit and file their say on present application. Hence, present application proceeded further ex-parte against legal heirs of defendant No.3.

04. Heard learned advocates for both parties, at length. Arguments are set forth in consonance of their pleadings.

05. On perusal of record and proceeding it appears that, defendant No.3 has died on 13.10.2024. Abatement order passed against defendant No.3 has been set aside as per order passed below Exh.56 dated 13.11.2025. Moreover, delay caused in bringing on record legal heir of deceased defendant No.3 has been condoned as per order passed below Exh.55 dated 13.11.2025. Hence, in view of above peculiar facts and circumstances, it is just and proper to allow present application subject to compliance of orders passed below Exh.55 and 56, dated 13.11.2025. Resultantly, I pass following order :-

:: ORDER ::

1. Application (Exh.57) is hereby allowed subject to compliance of orders passed below Exh.55 and 56, dated 13.11.2025.

2. Plaintiffs shall bring on record legal heir of deceased defendant No.3 and file amendment copies of the plaint till next date as per rule.
3. Compliance of orders passed below Exh.55 and 56, dated 13.11.2025 shall be condition precedent for bringing on record legal heir of deceased defendant No.3.

(Dictated and pronounced in the Open Court).

Date: 13.11.2025
Kurundwad.

(Balasaheb S. Gaikwad)
Civil Judge, Junior Division,
Kurundwad.