



ORDER BELOW EXH.34 IN R.C.S. NO.52/2021
(Mohammad Tayyab Patel and Anr. v. Saheblal Patel
and Ors.)

Plaintiffs have filed present application for bringing on record legal heirs of deceased plaintiff No.2(A).

02. Defendant No.1 has strongly resisted present application by filing his say on overleaf of present application.

03. Defendant Nos.2 and 3 failed to file their say on present application. Hence, present application is hereby decided on merit without say of defendant Nos.2 and 3.

04. Heard learned advocates for plaintiffs and defendant No.1, at length. Arguments are set-forth in consonance of their pleadings.

05. On perusal of record and proceeding it appears that, plaintiff No.2(A) has died on 23.10.2022. Abatement order passed against plaintiff No.2(A) has been set aside and delay caused in bringing on record legal heirs of deceased plaintiff No.2(A) has been condoned as per order passed below Exh.29 dated 23.10.2024. Hence, in view of above peculiar facts and circumstances, it is just and proper to allow present application subject to compliance of order passed below Exh.25 dated 23.10.2024. Resultantly, I pass following order :-

:: ORDER ::

1. Application (Exh.34) is hereby allowed subject to compliance of order passed below Exh.29 dated 23.10.2024.
2. Plaintiffs to bring on record legal heirs of deceased plaintiff No.2(A) and file amendment copies of the plaint till next date as per rule.

3. Compliance of order passed below Exh.29 dated 23.10.2024 shall be condition precedent for bringing on record legal heirs of deceased plaintiff No.2(A).
(Dictated and pronounced in the Open Court).

Date: 23.10.2024
Kurundwad.

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