



ORDER BELOW EXH.26 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 defendant No.4.

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

03. In spite of service of notice legal heirs of defendant No.4 failed to appear in the suit. Hence, present application is hereby decided ex-parte against legal heirs of defendant No.4. 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, defendant No.4 has died on 03.12.2021. Abatement order passed against defendant No.4 and delay caused in bringing on record legal heirs of deceased defendant No.4 has been condoned as per order passed below Exh.25 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.26) is hereby allowed subject to compliance of order passed below Exh.25 dated 23.10.2024.
2. Plaintiffs to bring on record legal heirs of deceased defendant No.4 and file amendment copies of the plaint till next date as per rule.

3. Compliance of order passed below Exh.25 dated 23.10.2024 shall be condition precedent for bringing on record legal heirs of deceased defendant No.4.
(Dictated and pronounced in the Open Court).

Date: 23.10.2024
Kurundwad.

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