

MHKO180002552015

Regular Civil Suit No.88/2015.



Balappa Atmaram Sutar thru. LRs & Ors.

Versus

Bandu Gnapati Sutar & Ors.

Order below Exhibit 110.

Plaintiff filed this application for setting aside abatement against deceased plaintiff No.6 Damodar Shankar Sutar who has died on 08/11/2024. In view of order passed below Exh.109, delay has been condoned. It is the contention of the applicant that, they could not manage to meet their counsel to take effective steps as they are unaware of the legal proceedings. Hence, the Court passed abatement order against plaintiff No.6. Now, they want to contest the suit by bringing the proposed heirs of deceased plaintiff No.6 on record. So, the abatement needs to be set aside. Hence, this application.

02. Ld. Advocate for defendants submitted that, the contents of application are false. Hence, application be rejected.

03. Perusal of application and say reveals that, legal heirs of plaintiff No.6 were not brought on record. Delay is condoned *vide* order below Exh.109. The proposed LRs are necessary parties. No prejudice would be caused to the defendants. Right to sue survives. In result the following order is passed:-

ORDER

1. Application is allowed
2. The abatement is hereby set aside.

Place : Kurundwad.

(Smt. V. R. Mane)

Date : 19/09/2025.

Jt. Civil Judge Jr. Dn., Kurundwad.