

**ORDER BELOW EXH.72 IN R.C.S.No.124/2016****[Aannaso Mang (Bhandare) v. Gulab Mang (Bhandare)]**

The plaintiff has filed present application for bringing on record legal heirs of deceased defendant No.13.

02. Defendant Nos.10, 11, 12, 14 to 23 have strongly resisted present application by filing their say on overleaf of present application. Say filed by defendant Nos.10, 11, 12, 14 to 23 has been adopted by legal heirs of defendant No.13. In spite of ample opportunities being given, defendant Nos.1 to 9 failed to file their say on present application. Hence, present application is hereby proceeded further without say against defendant Nos.1 to 9.

03. Heard learned advocates for the plaintiff and defendant Nos.10 to 23, at length. They have argued in consonance of their pleadings.

04. On perusal of record and proceeding it appears that, defendant No.13 has died on 07.04.2024. Abatement order passed against defendant No.13 has been set aside as per order passed below Exh.71 dated 18.11.2024. Moreover, delay caused in bringing on record legal heirs of deceased defendant No.13 has been condoned as per order passed below Exh.70 dated 18.11.2024. 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.70 and 71 dated 18.11.2024. Resultantly, I pass following order :-

:: O R D E R ::

1. Application (Exh.72) is hereby allowed subject to compliance of orders passed below Exh.70 and 71 dated 18.11.2024.
2. The plaintiff shall bring on record legal heirs of deceased defendant No.13 and file amendment copies of the plaint till next date as per rule.

3. Compliance of orders passed below Exh.70 and 71 dated 18.11.2024 shall be condition precedent for bringing on record legal heirs of deceased defendant No.13.
(Dictated and pronounced in the Open Court).

Date: 18.11.2024
Kurundwad.

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