



ORDER BELOW EXH.27 IN R.C.S. NO.268/2017
[Mahaveer Benichtage v. Chavgonda Patil and Ors.]

The plaintiff has filed present application for bringing on record legal heirs of deceased defendant No.3.

02. Defendant Nos.1, 2, 4 to 8 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 with heavy cost. They alternatively contended that, if the Court comes to the conclusion to allow present application, heavy cost may be imposed upon the plaintiff while allowing present application.

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

04. Heard learned advocates for the plaintiff and defendant Nos.1 to 3, 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 19.03.2024. Abatement order passed against defendant No.3 has been set aside as per order passed below Exh.28 dated 16.01.2026. Moreover, delay caused in bringing on record legal heirs of deceased defendant No.3 has been condoned as per order passed below Exh.26 dated 16.01.2026. 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.28 and 26 dated 16.01.2026. Resultantly, I pass following order :-

:: ORDER ::

1. Application (Exh.27) is hereby allowed subject to compliance of orders passed below Exh.28 and 26 dated 16.01.2026.

2. The plaintiff to bring on record legal heirs 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.28 and 26 dated 16.01.2026 shall be condition precedent for bringing on record legal heirs of deceased defendant No.3.

(Dictated and pronounced in the Open Court).

Date : 16.01.2026
Kurundwad.

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