


MHKO190006212017 	<u>COMMON ORDER PASSED BELOW EXH.24 AND 25</u> IN <u>R.C.S No.140/2017</u> Shri.Vilas Dadaso Savardekar Vs. Gramsevak, Grampanchayat Savarde (Pa) etc. (Date:01/07/2024)
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1. Perused the applications and say. L.Rs of sole plaintiff have filed present applications for setting aside abatement order and for permission to bring L.Rs of deceased sole plaintiff on record.
2. Proposed defendant Nos.3 and 4 have filed an application under Order I Rule 10 (2) of the Code of Civil Procedure for adding them as defendant Nos.3 and 4. The said application Exh.17 was allowed. However, in the meantime, the sole plaintiff died and proposed defendant Nos.3 and 4 have not added in the present suit. However, they filed their say and taken strong objection to present applications.
4. Heard both the sides.
5. Perused the record. It appears that the deceased sole plaintiff has filed the present suit for declaration and perpetual injunction. The sole plaintiff Vilas Dadaso Sawardekar was died on 25/09/2021. Therefore, L.Rs of deceased sole plaintiff have filed these applications for condonation of delay, for setting aside an abatement order and for permission to bring them on record. Considering the nature of the suit and reliefs claimed therein, it appears that right to sue survives in favour of L.Rs. of deceased sole plaintiff. Therefore, in order to decide the suit upon merits, it will be appropriate to allow applications and grant permission to bring legal heirs of deceased sole plaintiff on record. However, there is delay of 2 years 9 months for filing these applications. Therefore, for delay, costs of Rs.1000/-

is to be saddled upon the L.Rs of deceased sole plaintiff. In the light of above discussion, I pass following order.

- ORDER -

1. Applications Exh.24 and 25 are hereby allowed, delay is condoned and abatement is set aside subject to costs of Rs.1000/- payable to T.L.S.C, Radhangari and permission is granted to bring L.Rs of deceased sole plaintiff on record.
2. Proposed plaintiffs to pay the costs amount on or before next date and if proposed plaintiffs failed to pay the costs amount till next date, then this order shall stands automatically vacated.
3. Plaintiffs to carry out necessary amendment in the plaint and submit amended copies on record.

Date:01/07/2024

(D. M. G. Malidwale)
Civil Judge Junior Division,
Radhanagari.