

**Order below Exh.133 in RCS No.189/2013**

By this application plaintiff has requested to set aside the abatement and for granting permission for bringing the legal heirs of deceased defendant No.3, who died on 15/08/2023, on record, on the grounds stated in the application. Defendant Nos.1, 2, 4 and 7 to 9 failed to file their say. The suit is proceeding ex-parte against rest of the defendants. The legal heirs of deceased defendant No.3 failed to appear though served with notice vide **Exh.137**. Perused application. Heard learned advocate Shri.Y.PBardale for plaintiff. Record shows that the plaintiff has filed photo-copy of applications filed by him under RTI Act,2005 with Gram panchayat office, Nitur at list below **Exh.144**, which shows that he sought the copy of death certificate of deceased defendant No.3 on two occasions but still it was not provided by the concerned authority. Neither defendants, who are contesting the suit, nor the legal heirs of deceased defendant No.3 have resisted the grounds mentioned in the application. Considering the nature of suit and reliefs claimed, in my opinion, it is necessary to allow the application. Hence, I pass following order:-

**ORDER**

1. The application is allowed.
2. The order of abatement against deceased defendant No.3 is set aside and plaintiff is permitted to bring the legal heirs of deceased defendant No.3 on record.
3. Plaintiff shall carry out necessary amendment in title clause of the plaint.
4. The copy of amended plaint shall be supplied to the Court and for defendants at the earliest.
5. Once added as parties to the suit being the legal heirs of deceased defendant No.3, suit summons be issued to them.
6. No order as to costs.

Date : 06/12/2024

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.