

ORDER BELOW EXH.79 IN R.C.S. NO.472/2023
Vijay Adsule and and others Vs. State and others.
CNR NO.MHLA170010412023.

Plaintiffs have filed application for bringing legal heirs of deceased plaintiff No. 10. It is submitted by plaintiffs that, plaintiff No. 10 namely Dilip Prabhu Shikhre died on 18/09/2023. Plaintiffs could not obtained death certificate of deceased plaintiff No. 10 within time. Therefore, delay has been caused to bring legal heirs of deceased plaintiff No.10. The suit is abated against deceased plaintiff No. 10. Therefore, it is necessary to set aside the abatement order.

2. Perused the say of defendant Nos. 6 and 7. They have objected the applicatin on the grounds that the reasons assigned by the plaintiffs are not proper. Therefore, they prayed to reject the application.

3. Defendant Nos. 1 to 5 failed to file their say. Hence, “No say” order passed against them.

4. Heard learned counsels for both the parties. Perused the record. Plaintiffs failed to bring legal heirs of deceased plaintiff No. 10 on record within 90 days from the death of plaintiff No. 10. Therefore, the suit is automatically abated against deceased plaintiff No.10. Now, plaintiffs have come up with this applicatin for setting aside abatement order. Hence, the application is liable to be allowed for the just decision of the suit. Therefore, I pass following order:-

ORDER

- 1] The application is allowed.
- 2] Abatement order passed against plaintiff No. 10 is set aside.
- 3] No order as to costs.

Date :- 14/10/2025.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.