

R.C.S. No.36/2014
Manohar Vs. Mahadeo & Ors.

ORDER ON EXH. NO.34

1] This is an application for bringing LRs of deceased plaintiff Manohar Mahadeo Bankar on record.

2] It is the contention of the applicants that their father Manohar sole plaintiff died on 24/02/2017. Applicants have no knowledge about the pendency of the suit. Therefore, delay is caused to bring legal heirs on record. Hence, they filed this application for condonation of delay and to set-aside abatement of suit.

3] In spite of sufficient time defendant No. 2 & 5 failed to file their reply. Hence, application proceed without their reply. The defendant No. 3 & 4 both have no objection to allow this application.

4. Perused the record. Heard learned Advocate of both sides.

5. On perusal of record, it reveals that sole plaintiff is died on 24.02.2017 leaving behind applicants as legal heirs. Their right to sue survives. Therefore, it is necessary to bring the legal heirs of the deceased plaintiff on record, to decide the real controversy between the parties. The reason mentioned in his application is appears to be believable. Considering the fact on record and in the interest of

justice and I am inclined to allow this application. Hence, I pass the following order :-

ORDER

- 1 The application Exh.34 is allowed.
- 2 The delay caused for setting aside abatement is condoned.
- 3 The order of abatement order is hereby set aside.
- 4 Parties to take note.

Dated:- 19/06/2018

(D.B. Gutte)
Civil Judge, (Jr.Dn.)
Kuhi.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are word to word, as per original Order.

Name of Stenographer : Pravin T. Mandale