

In the Court of Civil Judge Senior Division, Ramtek

MHNG130006112023



RCS No. 51/2023  
Sanjivkumar Vs. Virendra

Order below Exh.221 & 1

(Dated 23.03.2026)

The plaintiff has filed an application to pass an order of abatement of counter claim as defendant no.1 reported to be dead on 26/04/2025 and his legal heirs were not brought on record of the counter claim.

02. On the other hand, defendants strongly opposed the application on the ground that legal heirs are already on record.

03. Heard both sides. It is to be noted here that, defendant no.1 died on 26/04/2025 and thereafter, his legal heirs were brought on record particularly, in respect of plaintiff. However, the legal heirs were not brought on the record of counter claim. Neither legal heirs of deceased defendant no.1 nor their advocate had taken steps to bring the legal heirs of deceased defendant no.1 on the record within the prescribed period of limitation.

04. Thus, under these circumstances, counter claim of deceased defendant no.1 automatically stands abated. Hence, I pass following order-

ORDER

1. The counter claim filed at Exh.22, stands abated.
2. Both parties to note the order.

Ramtek.  
Date : 23.03.2026

[ S.M. Sarode ]  
Civil Judge Senior Division,  
Ramtek.

