

Spl.C.S.No. 134/2023
Champa Wasnik & ors. V.
Shalikram J. Adakane ...

ORDER BELOW EXH. 77.
(Passed on 12th day of November, 2025)

The plaintiffs have filed an application to delete the name of defendant No.5 from the record. The Ld. advocate of the plaintiffs has submitted that defendant No.5, namely Smt. Laynabai wd/o Jagan Adakane had expired on 03.12.2024, therefore, the plaintiffs prayed to delete the name of defendant No.5 from the plaint.

02] On the other hand, defendants have filed their say submitting that defendant no.5 died on 3/12/2024 therefore suit already abated against deceased defendant no.5.

03] Heard Ld. advocate of both sides. In view of order passed below Exh.78, present application is required to be allowed. Hence, I proceed to pass the following order-

ORDER

The plaintiffs are directed to delete the name of defendant No. 5 from the plaint.

Date : 12.11.2025
Ramtek.

(S.M. Sarode)
Civil Judge Senior Division,
Ramtek.

Spl.C.S.No. 134/2023
Champa Wasnik & ors. V.
Shalikram J. Adakane ...

ORDER BELOW EXH. 78.
(Passed on 12th day of November, 2025)

The plaintiffs have filed an application for setting aside abatement order and condonation of delay in setting aside abatement order. The Ld. advocate of the plaintiffs has submitted that defendant No.5, namely Smt. Laynabai wd/o Jagan Adakane had expired on 03.12.2024, however, lack of knowledge, the plaintiffs informed to his advocate after lapse of substantial time. The delay is not intentional, therefore, it may be condoned and abatement order may be set aside.

02] On the other hand, defendants have filed their say at Exh.82 submitting that the plaintiffs are unnecessary delaying the matter.

03] Heard Ld. advocate of both sides. It is to be noted here that, present suit is for partition and separate possession and cancellation of sale-deed against the defendants. The right to sue survive against the legal heirs of defendant no.5 and all legal heirs are already on record. Therefore, abatement order needs to be set-aside by condoning delay subject to cost of Rs.700/-. Hence, I proceed to pass the following order-

ORDER

The application is allowed subject to payment of cost of Rs.700/- to the defendants.

Date : 12.11.2025
Ramtek.

(S.M. Sarode)
Civil Judge Senior Division,
Ramtek.

Spl.C.S.No. 134/2023
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Shalikram J. Adakane ...

ORDER BELOW EXH. 79.
(Passed on 12th day of November, 2025)

The plaintiffs have filed an application for adding proposed defendant no.11 as a party to the suit as he purchased suit property during pendency of the suit from defendant no.1 and hence, he is necessary party to the suit.

02] On the other hand, the proposed defendant has not filed his reply but defendant no.7 has objected present application by submitting his reply at Exh.83.

03] Heard Ld. advocate of both sides. It is to be noted here that, present suit is for partition and separate possession and cancellation of sale-deed against the defendants. As defendant no.1 sold out suit property to the proposed defendant no.11, he thereby, created interest in favour of proposed defendant no.11. Therefore, proposed defendant no.11 needs to be added a party to the suit. Hence, I proceed to pass the following order-

ORDER

The application is allowed and plaintiffs are directed to carry out necessary amendment and file amended copy of plaint on record.

Date : 12.11.2025
Ramtek.

(S.M. Sarode)
Civil Judge Senior Division,
Ramtek.

