

MHNG130015242020



R.C.S. No. 49/2020

Munnalal Prayag Lilhare & othrs.

v.

Malanbai Baliram Biranwar & othrs.

ORDER BELOW EXH. 25

(Passed on dated 07/10/2025)

The plaintiff No.1 has filed present application for setting aside abatement order. On the said application, the say of other side was called.

2. It is submitted by the plaintiff No.1 that the during the pendency of suit, defendant no.7 Parvatbai w/o Fekan Nagpure died on 09.01.2022. It is further submitted that, the plaintiff no.1 went to the house of Bhagwan Fekan Nagpure at Salai in the month of February 2023, at that time he came to the knowledge that defendant no.7 has died. Hence, the delay caused in filing the application for bringing legal representatives of defendant no.7 on record is not deliberate and intentional. Hence, he prayed to allow the application.

3. Defendants have strongly objected the application by stating that, the plaintiff No.1 has not filed the application within limitation and reason mentioned in it is not reasonable. Hence, prayed for rejection of application.

4. Perused record. Heard. After considering the submissions of both the parties and on perusal of record, the plaintiffs have filed suit for the declaration, partition, separate possession and permanent injunction. It appears from the record that the defendant no.7 died on 09.01.2022. Right to sue survives with the legal representatives of deceased defendant no.7. In

my view, no prejudice will be caused to the other side, if the present application is allowed. Delay caused for brining the legal representatives of deceased defendant no.7 on record is already allowed. Considering the reason, in the interest of justice I, proceed to pass following order :

ORDER

The application Exh. 25 is allowed and abatement order is hereby set aside.

Sd/-

Date: 07/10/2025

(D. C. Vorani)
Joint Civil Judge Junior Division,
Court No. 2, Ramtek.