

MHNS130001882012



REG. CIVIL SUIT NO. 45/2012

**Manohar Gangurde V/s
Vasant Gangurde**

ORDER BELOW EXHIBIT NO.171

By this application plaintiff is praying for setting aside abatement against late defendant no.1A.**Arvind Vasant Gangurde and 2E.Suman Laxman Garud.** Defendant no.1, 2, 1B, 3C and D, 2B/1 have filed say on the overleaf.

2. Perused the application and say filed thereon. Heard both the sides and considered their submissions. It is contended that, defendant no.1A.Arvind Vasant Gangurde is died on 13/05/2020. Further it is contended that, defendant no 2E.Suman Laxman Garud is died on 11/06/2010. To obtain death certificates, and information of their legal heirs deceased defendants delay is occurred. Therefore, suit is abated against them. Hence, it is prayed to set aside the said abatement.

3. Ld. advocate for defendant no.2B/1, 1B, 1 to 3, 3C and defendant no.3D have given say on the overleaf and denied the contentions of the plaintiff. It is submitted that, only to prolong to matter present application is filed hence, they prayed to reject the application.

4. Other defendant have not filed their say. Hence, present application is proceeded without their say.

5. Perused the record. Death certificate at Exh.No.167 supports the contentions regarding death of defendant no.1A and 2E. There is no reason to disbelieve the contentions of the application. Reasons mentioned for setting aside abatement are satisfactory. Delay seems unintentional. This application is supported with affidavit. Ld. Advocate for defendant nowhere disputed about the death of deceased. No prejudiced would

..2..

caused to the defendants if this application is allowed. Suit is for partition, separate possession etc. Under such circumstances, considering the nature of the suit, it would be just and proper to allow this application in the interest of the justice. Hence, I pass the following order;

ORDER

1. Application at Exh.No.171 is allowed subject to cost of Rs.1000/- which is to be deposited in legal authority.
2. Abatement against late defendant no. **1A.Arvind Vasant Gangurde and 2E.Suman Laxman Garud** is hereby set aside.

Sd/-xxx

Date :- 02/04/2026
Place :- Pimpalgaon (B).

(V. W. Khendad)
2nd Jt Civil Judicial Junior Division
Pimpalgaon (B)