

**ORDER BELOW APPLICATION (EXH. 123) IN REGULAR  
CIVIL SUIT No. 80 OF 2011**

1. The present application is filed by plaintiffs praying to set aside 'Abatement' order. It is contention of plaintiffs that, for the reasons mentioned in the application they could not file an application for bringing Legal Heirs of deceased plaintiff No.3 (c) Dattu Vishnu Jagtap within time. Their act is not deliberate. Therefore, they prayed for setting aside 'Abatement' order and to take Legal Heirs of the plaintiff No.3 (c) on record.

2. Defendants filed their Say and resisted the application on the ground that, there is delay of two and half months to file the application and plaintiffs have not given the reason for delay in bringing legal heirs of plaintiff No.3 (c). Lastly, prayed for rejection of the application.

3. Heard both sides at length. In such circumstances, considering the nature of dispute and in order to determine the real question in controversy between the parties and to adjudicate the matter effectively and completely and to settle all questions involved in the suit on merits, an opportunity should be given to plaintiffs. Accordingly, following order is passed.

**ORDER**

- (1) Application is allowed.
- (2) 'Abatement Order' is hereby set-aside and Legal Heirs of deceased plaintiff No.3 (c) Dattu Vishnu Jagtap be taken on record.

Date : 06/05/2025.

Sd/-  
Civil Judge Senior Division,  
Igatpuri.