

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YEOLA,  
DIST – NASHIK  
(Presided over by Shri. M. I. Lokwani)**

**Misc. Civil Appeal No. 22/2024**

**ORDER BELOW EXH.29**

1. This application is filed to set aside abatement of respondent No.1 .

2. Advocate of appellant submitted that respondent No.1 Bhimraj Baburao Gaware died on 10.12.2024. After that his LR's required to be brought on record but LR's of respondent No.1 raised objection before Gram Panchayat, Satare therefore, death certificate not given by the Gram Panchayat, Satare. Due to aforesaid reasons, appellant could not brought on record the LR's of respondent No.1 and appeal is abated against respondent No.1. It is submitted that the said abatement order may kindly be set aside.

3. Advocate of respondent filed reply on application itself and raised strong objection by submitting that the reasons and grounds mentioned in the present application are false and hence prayed to reject the application.

4. Considering the application and reply of the respondent and gone through the record, it appears that fair opportunity should be given to the appellant to proceed with the appeal, therefore, to protect the interest of parties and the appellant, it would be just and

proper to set aside the abatement order against the defendant No.1 in present appeal. Hence, I proceed to pass the following order :

**ORDER**

- 1) Application below Exh.29 in Misc Civil Appeal 22 of 2024 is allowed.
- 2) Abatement against respondent No.1 is hereby set aside and directed the appellant to take further steps to bring the LR's of respondent No.1 on record.
- 3) Application below Exh.29 is disposed off accordingly.  
(Order is dictated and pronounced in Open Court)

Date :07-10-2025

**(M.I. Lokwani)**  
District Judge-1, Yeola.