

**ORDER BELOW APPLICATION (EXH. 51) IN SPECIAL  
CIVIL SUIT No. 279 OF 2023**

1. The present application is filed by plaintiff praying to set aside 'Abatement' order. It is his contention that, for the reasons mentioned in the application he could not file an application for bringing Legal Heirs of defendant No. 2 within time. His act is not deliberate. Therefore, he prayed for setting aside 'Abatement' order and to take Legal Heirs of defendant No. 2 on record.

2. The advocate for the defendants filed their Say and strongly resisted the application.

3. Heard both sides at length. The plaintiff has filed present suit for partition and permanent injunction against defendants. 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 plaintiff. At the same time, taking into consideration the delay and the inconvenience caused to defendants, it would be just and proper to allow this application with reasonable costs. Accordingly, following order is passed.

**ORDER**

- (1) Application is allowed subject to costs of Rs.200/-.
- (2) 'Abatement Order' of defendant No. 2 is hereby set aside and Legal Heirs of defendant No. 2 be taken on record.

Date : 26/07/2024.

Sd/-  
Civil Judge Senior Division,  
Igatpuri.