

Regular Civil Suit No. 5/2019

Shivaji Girange and ors.

Vs.

Ramdas Dagale and ors.,

MHNS230000672019



ORDER BELOW APPLICATION (EXH. 26)

The present application is filed by plaintiffs praying to set aside 'Abatement' order. It is contention of plaintiffs that, due to agricultural work and service they could not file an application for bringing Legal Heirs of the plaintiff no. 2. Their act is not deliberate. Therefore, they prayed for setting aside 'Abatement' order and to take Legal Heirs of the plaintiff no. 2 on record.

2. The Learned Advocate for plaintiffs by filing their say overleaf of the application has resisted the application stating that reasons mentioned in the application is false and not proper and 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 the legal heirs of plaintiff no. 2. 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 .
- (2) 'Abatement Order' of plaintiff no.2 is hereby set aside.

Date :- 27/11/2025

(Yashshree Marulkar)
Civil Judge Sr. Division,
Igatpuri.