

Order below Exh.26 in RCS No.123/2019
(CNR No.MHOS01-002055-2019)

1. The appellants No.1 to 4 filed this application for bringing the L.Rs. of deceased appellant No.5 Brijlal Modani on record by setting aside the abatement.
2. The respondent No.4 filed reply at Exh.35 and submitted that, the reason as mentioned for setting aside abatement is not cogent and sufficient. The appellant are negligent. Therefore, prayed to reject the application.
3. Deceased appellant No.5 Brijlal Modani died on 14.02.2024. The death certificate is not received within time. Due to that, there was 22 days delay caused in bringing the L.Rs. on record. Hence, they prayed to bring L.Rs. on record by setting aside abatement.
4. It appears from the record, the delay caused is not intentional to bring on record the L.Rs., of appellant No.5. In order to give the fair opportunity to contest the matter on merits, it is desirable to bring the L.Rs. on record by setting aside the abatement. Hence, following order :

ORDER

1. Application at Exh.26 is allowed.
2. The abatement is set aside on payment of cost of Rs.2,000/- (Rs. Two Thousand only) to be paid to the respondents.
3. The payment of costs is a condition precedent.

-Sd/-

(G. P Agrawal)
District Judge-1,
Osmanabad.

Dated: 22-04-2026

Certificate

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.		
Name of Stenographer	-	Vijay M. Gaikwad, Stenographer Gr. III (On Deputation)
Court	-	District Judge-1, Osmanabad
Date of order/Judgment	-	22.04.2026
Date of order/judgment signed by presiding officer.	-	22.04.2026
Judgment/Order uploaded on	-	22.04.2026