

ORDER BELOW EXH.32 IN M.A.C.P NO.452/2018

1] This is an application on behalf of claimants for setting aside the order of abatement against respondent No.1 due to his death on 26.07.2016. The application is supported with affidavit Exh.33.

2] The respondent No.2 has contested the application by filing it's say behind the page of Exh.34.

3] The claimants have produced copy of the order on probate application No.796/2016 decided on 05.04.2017 by C.J.S.D., Pune in favour of L.R's of respondent No.1 after his death on 26.07.2016.

4] Considering the facts, it is noted that, the claimants have filed petition against the respondent No.1, who was the owner of bus No.MH-12-B-9637 on the date of accident on 15.04.2013. However, the notice has not served to him during his life time. The Bailiff has reported that, respondent No.1 was died. After getting the information of his L.R's on the basis of Probate application, this application came to be filed. The documents relates to death of respondent No.1 and information of his L.R's were not within the knowledge and hands of claimants. On that background, delay has been caused for applying to set aside the order of abatement against him. Hence, it is necessary to grant the application as prayed for. Hence, the order.

ORDER

Application Exh.32 is allowed, as prayed for.

Date : 12.12.2024.

sd/-
[V. G. Mohite]
District Judge - 3
Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/order are same, word to word, as per the original Judgment.

Name of Stenographer	--	Mahesh Abhimanyu Pawar Grade-I
Court	--	District Court-3, Osmanabad.
Date	--	12.12.2024
Order signed by the Presiding Officer on	--	12.12.2024
Order uploaded on	--	12.12.2024