

ORDER BELOW EXH.80
(Passed on 16th December, 2025)

Plaintiff has filed the present application for setting aside abatement order passed due to delay caused for bringing on record LR's of deceased defendant No.1 on the ground that due to illness of plaintiff he could not file the present application in statutory time.

02. Order of notices to proposed LR's passed by my Ld. Predecessor but notices were not issued due to lack of copies. But in counter claim, the LR's. Of Rama Balbhim Dongare is brought on record therefore, the present application is decided without issuing notice to the proposed LR's of deceased Rama Dongare. It will cause no any prejudice to them. Hence, the present application is taken up for order. The Ld. Advocate of other defendants orally objected the application on the ground of limitation.

03. Perused record and proceeding. Suit is for declaration and perpetual injunction. The factam of death of defendant No.1 in original suit is not disputed by the parties to the suit. In addition to that the death extract of deceased defendant No.1 is produced on record along with list of document at Exh.61/1. Considering

the nature of suit right to sue survives. Therefore, opportunity needs to be given to the LR's of deceased defendant No.1 hence, abatement needs to be set aside subject to cost for delay. Accordingly, I proceed to pass the following order.

ORDER

Abatement stands set aside as per prayed for subject to cost of **Rs.500/- (Rupees Five Hundred only)** payable to defendants.

(Dictated & Pronounced in open Court.)

Date : 16.12.2025

(Smt. P.S.Jadhav)
2nd Jt. Civil Judge Sr. Dn.,
Bhoom.

C E R T I F I C A T E

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

Name of Stenographer	...	N. V. Koli Stenographer Grade-III
Court	...	2 nd Jt. Civil Court Sr. Dn., Bhoom.
Date	...	16.12.2025
Order signed by Presiding Officer on	...	16.12.2025
Order uploaded on	...	16.12.2025