

ORDER BELOW EXH. 72

Legal heirs of deceased plaintiff Vikram Wanve have filed present application for setting aside abatement order deemed to be passed against them for not bringing on record the legal heirs of deceased plaintiff namely Vikram Wanve on record who died on 25/04/2024 on the ground that due to lack of information and mental trauma of death of plaintiff the legal heirs of deceased plaintiff could not file application within time.

Learned advocate of defendant no.1 appeared and filed say on the copy of present application and thereby contested the application on the ground that delay is intentional, reason given in the application are not satisfactory. Hence they prayed for rejection of application, alternatively prayed for heavy cost if application deserves to be allowed.

Perused record. Death of plaintiff not in dispute. His death extract is produced on record at Exh. 79/1. The heirship certificate of deceased plaintiff is at Exh. 79/2. Suit is for partition and separate possession. After the death of plaintiff right to sue survives. Therefore, for the interest of justice present application deserved to be allowed subject to cost Rs.200/- for delay. Accordingly, I proceed to pass following order.

ORDER

1. Application stands allowed.
2. Abatement order stands set aside subject to cost Rs.200/- as prayed for payable to defendant.

(Dictated and pronounced in open court).

Date : 04/02/2026

(Smt. P.S. Jadhav)
2nd Jt. CJSD Bhoom