

ORDER BELOW EXH.41
(CNRNO.MHOS19001442025)

1. The applicants have made the present application to set aside the abatement order passed against plaintiff.
2. Perused the application and say filed by defendant no.1 to 3.
3. Defendant no. 4 to 10 failed to file their say, hence the application without their say.
4. Heard the learned Advocate for the plaintiff. The learned advocate for the defendants did not appear hence his argument could not be heard.
5. In brief facts of the present application are as follows:
6. The plaintiff has filed the present suit for fixation of boundaries, perpetual injunction and recovery of possession. During the pendency of the suit the plaintiff Daji Vithoba Gate passed away on 11/03/2025 leaving behind the applicants as his legal heirs. The applicants state that due to the demise of Daji Gate they were in pain and so could not file the necessary application within time. They also state that in the meantime the matter was transferred from Osmanabad Court to Tuljapur Court and so also they could not make necessary application within time. They state that there is delay of 24 days in making the present application and they have not intentionally caused delay in making the present application. They therefore pray to allow application and condone the delay.
7. The defendant filing their say have strongly objected to the

present application.

8. Having considered the submission made on behalf of the plaintiff and on perusal of record it appears that the plaintiff has filed the present suit for fixation of boundaries, perpetual injunction and recovery of possession of plaintiff Daji Gate has passed away on 11/03/2025 and as such it was necessary to make the application then 90 days from the death of plaintiff. However, the applicant have made the present application made on 09/06/2025 as such it appears that there is delay of 24 days in presenting the said application. The applicant putforth the reason that due to demise of Daji Gate they were in pain and so could not filed the application within time. Taking into consideration the reason puthforth by the plaintiff and in order decide the suit on merits it necessary to set aside the abatement order passed against plaintiff. Hence, I proceed to pass the following order.

Order

1. Application is allowed.
2. The abatement order passed against plaintiff is hereby set aside.

Date:- 26-09-2025

(Smt. S. D. Awasekar)
Civil Judge, Senior Division,
Tuljapur.

CERTIFICATE

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

Name of Stenographer	---	Devidas S. Shiral, Stenographer - Grade II
Court	---	Smt. S. D. Awasekar Civil Judge, Senior Division, Tuljapur, District -Dharashiv.
Date	---	26/09/2025
Judgment/order/issues/evidence signed by the Presiding Officer on	---	26/09/2025
Judgment/order/issues/ evidence uploaded on	---	29/09/2025