

Order below Exh. 102 in R.C.S.No.91/2009
Suresh Dalavi & Ors. Vs. Krushna Bhikule & Ors.
(Passed on 17/04/2025)

1) The plaintiff has filed present application under Order-22 R-3 of Civil Procedure Code for setting aside abatement. It is submitted that, defendant No.1 namely Krushna Annasaheb Bhikule died on 14/07/2024. It is stated that plaintiff No.3 is a senior citizen suffering from various ailments, and due to a two-wheeler accident he was having bed rest, therefore there was a delay in obtaining the death certificate of defendant no. 1 and hence he could not file the application within the statutory limitation. Therefore, there has been 160 days delay in taking defendant No. 1 heirs on record. Lastly, he prayed for setting aside abatement.

2) The defendants have filed their say over the leaf of application and stated that, defendant No. 1 has already sold the suit property, the plaintiffs have not taken steps in the suit for a considerable period, and it appears that the plaintiffs are merely causing delay to prolong the matter. Therefore, it is prayed that the present application be dismissed with heavy costs.

3) Heard Ld. Advocate and perused record. It appears that, plaintiff had filed present suit for permanent injunction against the defendant. During pendency of suit defendant No.1 was expired on 14/07/2024. However, present application has been filed on 21/12/2024 i.e. beyond the statutory limitation.

4) The case at hands involves rights of the legal representatives of deceased plaintiff No. 1A. It is necessary to bring

them on record for proper adjudication of the suit. Hence, in the circumstances of the matter, application is deserves to be allowed with following order.

ORDER

- 1] Application (Exh.102) is hereby allowed.
- 2] Abatement in respect of defendant No. 1 is hereby set aside.

Pune.
Date : 17-04-2025

[Smt.Meena W. Jadhav]
Jt. Civil Judge, Jr.Div., Bhore

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 17-04-2025
Signed by P.O.	:- 17-04-2025
Order uploaded on	:- 17-04-2025