

ORDER PASSED BELOW EX.37

This is an application for setting aside an abatement order passed against the defendant no.3.

2) Read an application. Say of the defendants. Heard both the parties. Perused record.

3) The defendant no.3 is died on 10/04/2012. Despite ample opportunities are given ,but her LR's were not brought within period of limitation. So the suit came to be abated against the defendant no.3. The plaintiffs submitted that, he is unaware about the proceeding, and therefore they could not bring them on record within period of limitation.

4) The opportunity is given to filing of the say to defendants. Matter is called repeatedly. Say is called upon.

5) The suit is filed for declaration and injunction, cause of action survives, therefore considering the reason the abatement needs to be set aside, subject to proportionate cost. Hence, considering all these aspects I pass following order.

ORDER

1) Application (Ex.37) is allowed.

2) The abatement is set aside, subject to cost of Rs.300/- (Rs. Three Hundred Only) payable to the defendants till next date.

Date : 3.10.2019
Bhor.

Civil Judge(J.D.), Bhor, Dist. Pune.