

ORDER

1. Perused application. Heard applicant. Applicant prayed for setting aside the abatement order passed about defendant no.2. Lrs. of Defendant no.2 present and filed his say on overleaf of the application.

2. It is the contention of the applicant that, the defendant no.2 Prabhu Bhiwa Thakar died on 04/01/2019. Plaintiff submitted that, there was delay for getting documents i.e. Death Certificate of defendant no. 2. Also plaintiff is suffering from disease as well as government offices was closed due to National Lockdown, therefore delay was caused to file application for taking Lrs. on record. Therefore, it is necessary to take the LR's of the deceased defendant no.2 on record. Accordingly the separate application is given. But while taking the LR's of the deceased defendant no.2 on record, it is necessary to set-aside the deemed abatement order. Defendant filed say and prayed that as the contentions in the application are false therefore application be rejected with costs. There was no specific reasons given in the application said application is affected by provision contained in the Limitation Act and therefore prayed for rejection of application. Plaintiff's have filed the present suit for specific performance and permanent injunction. It reveals that the LR's of the deceased defendant no.2 is necessary party to the suit. Hence, it is necessary to hear them. Hence, considering the reason mentioned in the application in the interest of justice, It deserves to be allowed. Hence, I pass the following order:

ORDER

1. Application is allowed subject to costs of Rs. 500/- payable by plaintiffs to the defendants collectively.

2. Abatement of suit order about defendant no.2 is hereby set aside.
3. Applicant to take note accordingly.

Sd/-

Date :09/01/2023

(G.A.Kulkarni)
4th Jt. Civil Judge Jr. Division, Daund
Tq.Daund, Dist. Pune