

MHPU180017612013



R.C.S. No. 101/2013

Vasantrao

Vs.

Namdeo & Ors.

ORDER BELOW EXH.61.

(Passed On 06/11/2025)

The present application has been filed by the legal representatives of the deceased sole plaintiff, Vasantrao Yashwantrao Dorge, seeking to set aside abatement order as the sole plaintiff died on dated 17/08/2015. It is submitted that due to certain unavoidable circumstances, the applicants were unable to bring the legal representatives of the deceased plaintiff on record within the prescribed period. Conversely, the defendants have strongly opposed this application and have contended that the same is not maintainable in law and is liable to be rejected.

2. Today, despite repeated calls, both parties and their Ld. Advocates remained absent. The matter is considerably old, and the present application has been pending since 2016. Therefore, the application is hereby decided on its merits.

3. It is evident from the death certificate, filed along with Exhibit 60, that the sole plaintiff in the present suit, Shri Vasantrao Dorge, passed away on 17/08/2015. It also appears from the death certificate that Sunil Vasantrao Dorge, who was one of the legal heirs of the sole plaintiff, had predeceased on 01/07/2014. The legal heirs have failed to bring the legal representatives of the sole plaintiff on record. Consequently, the suit stood automatically abated. However, as the suit pertains to property, in order to

resolve the controversy between the parties finally and conclusively, it is proper to set aside the abatement order that was automatically passed against the plaintiff in the present suit. It is noted that the application does not specify any particular reason for the delay on the part of the legal heirs of the deceased. Therefore, while deciding the application, it is just and necessary to impose a cost on the legal heirs. Considering the delay, in my opinion, a cost of Rs. 300/- is appropriate to achieve the ends of justice, especially since the application was filed in the year 2016. Thus, I pass the following order.

ORDER

- 1) The application, filed below Exhibit 61, is hereby allowed, subject to the payment of a cost of Rs. 300/- to the contesting defendant.
- 2) Upon compliance with the payment of the cost, the abatement order against the sole plaintiff in the present suit is hereby set aside.
- 3) Both parties are directed to take note of this order.

Daund.
Dt. 06/11/2025.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 06/11/2025.
Order / Judgment singed by	:- 06/11/2025.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 06/11/2025.