

Order below Exh. 74 in R.C.S no. 108/2017

The present application is filed by the plaintiffs to set aside abatement of the suit against the defendant No.9.

2. It is contended by plaintiffs that defendant No.9 died on 23.01.2022. Thereafter due to some difficulties, legal heirs of defendant No.9 could not be brought on record within time. If the said abatement is not set aside, they would suffer irreparable loss. Hence prayed to allow the application.

3. Defendants resisted the application by filing say overleaf.

4. Perused the application and say. Heard.

5. From the perusal of the record, it is apparent that the suit is pertaining to partition. Plaintiffs have given reasonable explanation to set aside abatement. There is nothing on record to infer that conduct of plaintiffs is malafide regarding this application. To avoid the multiplicity of the proceedings and to determine the real question in controversy between the parties, the present application needs to be allowed.

Accordingly, the following order is passed :

ORDER

The application (Exh. 74) is allowed and abatement against defendant No.9 is hereby set aside.

Pen
Date: 01.10.2022

(Pritesh Deshpande)
Jt. Civil Judge, (J.D), Pen