

**ORDER BELOW EXH.76**

1. By this application plaintiff requested to set a side abatement order. It is stated that defendant No. 2/2 died on 16/04/2021. Plaintiff failed to take legal heirs on record within stipulated time. Therefore order of abatement be set a side.
2. Defendant file his say, in the say it is stated that, delay period is not mentioned, reasons for delay is not satisfactory. Therefore he requested to reject the application.
3. The reason mentioned is not sufficient, but to decide the matter on merits an opportunity needs to be given to plaintiff to take the legal heirs of the deceased on record. Therefore, I pass the following order.

**ORDER**

1. The application is allowed.
2. The abatement order in respect of defendant No. 2/2 is hereby set a side, subject to costs of Rs. 200/-.
3. Costs be paid to defendant.

Place: Khalapur  
Date : 20.03.2023

(R.D.Wabale)  
Civil Judge, J.D., Khalapur

**CERTIFICATE**

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I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

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| (a) | Name of the Stenographer                             | : M. S. Shirgire, Steno. (L.G.)                       |
| (b) | Court  | : Shri. R. D. Wabale<br>C.J.J.D. & J.M.F.C., Khalapur |
| (c) | Date of Judgment/Order                               | :20/03/2023   |
| (d) | Judgment/Order signed by the<br>Presiding Officer on | :20/03/2023   |
| (e) | Judgment/Order uploaded on                           | :23/03/2023   |