

ORDER BELOW EXH. 83

1. By this application plaintiff requested to set a side abatement order. It is stated that defendant No. 3 Gangu Khandu Jadhav died on 07.10.2020. Due to corona pandemic plaintiff failed to take legal heirs on record within stipulated time. Therefore order of abatement be set a side.

2. Defendant objected the application, in the say it is stated that, plaintiff has not stated specific delay period. It is further stated that, if court come to the conclusion that present application needs to be allowed, heavy costs may be imposed upon plaintiff.

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. 3 is hereby set a side, subject to costs of Rs. 500/-.
3. Costs be paid to defendant.

Place: Khalapur
Date : 06.06.2023

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

CERTIFICATE

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
C.J.J.D. & J.M.F.C., Khalapur |
| (c) | Date of Judgment/Order | : 06/06/2023 |
| (d) | Judgment/Order signed by the
Presiding Officer on | : 06/06/2023 |
| (e) | Judgment/Order uploaded on | : 07/06/2023 |