

MHRG140006962013



R.C.S. No. 152/2013

Order below Exh. 55

This is an application to set aside abatement.

2. The defendant no. 14 died on 14.10.2020. Right to sue survives to her legal heirs. As plaintiffs came to know about said fact on 20.06.2022, legal heirs were not brought on record. Therefore, the suit was abated against her.

3. The application is opposed on the ground that the plaintiff and defendants are relatives. Plaintiffs were aware of the fact of death of the defendant no. 14. No justifiable reason mentioned in the application.

4. Perused the application and record. It is seen that defendant no. 14 died on 14.10.2020. As plaintiffs came to know about said fact on 20.06.2022, legal heirs were not brought on record. Considering reasons, opportunity needs to be given to plaintiffs in the interest of justice and for the just decision of the case on merits. However, delay needs to be compensated. Hence, the application is allowed. The abatement is set aside subject to costs of Rs. 500/-.

Uran,
Date : 02.08.2023

(Vikas D. Bade)
Civil Judge, J.D., Uran