

CNR No. MHRT010010102024

Misc. Civil Appeal No. 32/2024

Shri. Milind Jagannath Jadhav

Appellant.

Vs.

Shri. Sadashiv Sakharam Kamble & ors.

Respondent.

Order below Exh. 43

1. This is an application filed by applicant/appellant for setting aside abatement of appeal for the reason of death of respondent no.3 Vinayak Ganpat Jadhav.

2. The appellant submitted that the respondent no.3 died on 20/10/2025. It is the contention of appellant that he was engaged in election duty and also railway ticket reservation was not possible to be obtained, therefore he could not remain present before the Court and therefore, he could not bring on record the legal heirs of respondent no.3 within the prescribed period. Therefore, it is necessary to set aside the said abatement for proceeding against respondent no.3 and legal heirs of respondent no.3. It is further submitted that the said delay for filing this application caused is not intentional or deliberate. The present application is supported with the affidavit of appellant. It is prayed to allow the application.

3. The respondents strongly resisted the application by filing say on application itself and submitted that the present application should be rejected with penalty due to deliberate delay as appellant has taken stay on the order. Therefore, the application is liable to be rejected with heavy

cost. Finally prayed to reject the application.

4. On perusal of application and other record of the case, there appears substance in this application. The record shows that the appellant was engaged in election duty and also railway ticket reservation was not possible to be obtained. There appears no deliberate or intentional procrastination on the part of appellant. Therefore, I am of opinion that the application is worthy to be allowed. Hence, the following order.

ORDER

1. Application Exh. 43 is allowed.
2. The deemed order of abatement of appeal for the reason of death of respondent no.3 Vinayak Ganpat Jadhav is hereby set aside.
3. Concerned to take note.

Date : 01.07.2026.

(A. M. Ambalkar)
District Judge- 1, Ratnagiri.

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

Case Number		Misc. Civil Appeal No.32/2024
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	01.07.2026
Order signed by the P.O. on	:-	01.07.2026
Order uploaded on	:-	01.07.2026

