

R.C.S.No.13/2016
(Kashinath Vs. Vitthal)

Order Below Exh.92
(CNR No. MHRT070001282016)
(Passed On 10th October, 2022)

This is an application for setting aside abatement against defendant no.3.

2] Perused the application and say. Heard both the Ld. Advocates at length. Perused the record. The plaintiff is seeking setting aside abatement against the defendant no.3. The reason for non bringing LR's on record within time was supported by an affidavit which was not countered by any counter affidavit. Present suit is for partition and injunction. All the necessary parties are must get in proper representation. The right to sue will not survive after death of defendant no.3. In view of the direction of the Hon'ble Supreme Court, due the surge of COVID-19, the limitation was extended. Therefore, considering the reason in the application and the nature of the suit, the abatement against defendant no.3 is set aside subject to compliance of order below Exh.90.

Date : 10/10/2022

[P. R. Kulkarni]
Jt. Civil Judge Junior Division,
Chiplun.