

Order below Exh. 42

Perused the application. This is for setting aside abatement order.

02. It is contended that defendant No. 8 was expired on 08/04/2020. However, plaintiff could not take their legal representatives on record within stipulated period because of unavailability of death certificate because of corona period. Hence he prayed for setting aside abatement order.

03. On the other hand, defendant Nos. 8-1 to 8-3 filed their say and given no objection to allow the application. Defendant Nos. 1 to 4 filed their say at Exh. 84 and opposed the application contending that delay is because of carelessness of plaintiff.

04. Heard both sides. Perused the record. In present matter, death certificate of deceased defendant No. 8 is on record along with documents at Exh. 47.

05. Considering oral arguments of Ld. Advocates of both parties and death certificate, in the interest of justice and in order to decide the suit on merits, I pass following order :-

ORDER

1. The application is allowed, subject to cost of Rs. 400/- payable to defendant Nos. 1 to 4.
2. Abatement against defendant No. 8 is hereby set aside.
3. Plaintiff is allowed to take necessary steps for taking on record legal representatives of defendant No. 8 on or before next date after depositing above said cost amount to defendant Nos. 1 to 4.

Date:04/07/2025
Place: Lanja.

(S. R. Joshi)
Civil Judge Junior Division.
Lanja.

CERTIFICATE

I affirm that the contents of this pdf file Order are same words as per original Order,

Name of the Stenographer: S. D. Chavan

*Court Name: Civil & Criminal Court, Lanja,
Dist.Ratnagiri,*

Date of decision : 04/07/2025.

Judgment/Order signed by P.O.on : 04/07/2025.

Judgment/Order uploaded on : 07/07/2025.