



CNR No. MHSI070001412020
Order passed below Exh. No. 89
in R.C.S. No. 20/2020

The plaintiff has sought to set aside an abatement of suit against defendant No.50. It is claimed that defendant No.50 died on 21/05/2010 and as the LRs of deceased defendant No.50 were not brought on record in prescribed time, the proceeding was automatically abated against her. The application is supported with an affidavit.

2) The defendants have filed their say on overleaf of the application and prayed necessary order may be passed.

3) Perused record. Heard both sides.

4) It appears from the perusal of the record that defendant No.50 died on 21/05/2010 i.e. prior to institution of the suit. Therefore, no question of abatement of suit arises. For abatement of suit the party should be dead during the pendency of the suit.

5) From the above discussion the application is not maintainable. Therefore liable to be rejected. Hence, the following order is passed,

ORDER

1. The application Exh.89 is rejected.

2. No order as to cost.

Pronounced and dictated in open Court.

Sd/-

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M.K.Fakih

Civil Judge Jr.Dn., Malvan.

Date - 06/05/2025