

ORDER BELOW EXH. 168 IN SPL.C.S. NO. 92/2012

Read the application. Perused the record. By virtue of order below Exh. 97 wife of defendant No. 2 is brought on record as a legal heir. However, defendant No. 1 to 6 by filing of their application vide Exh. 167 raised objection that, deceased defendant No. 10 Sandip Shamrao Pawar is having legal heirs viz., Abhishek Sandip Pawar and Onkar Sandip Pawar, deceased defendant No. 25 Bhupal Shankar Hankare is having legal heirs viz., Bebi Bhupal Hankare, Umesh Bhupal Hankare, Aanesh Bhupal Hankare, Ulaka Pandit Bhosale, Kalpana Nandkumar Aadsule and deceased defendant No. 26 Smt. Savubai Laxman Kamble is having legal heirs viz., Bhanudas Laxman Kamble and Suman Suhas Bhosale.

2. Considering the objections raised by the defendant and on perusal of the record, it reveals that, the presence of legal heirs of defendant No. 10, 25 and 26 is essential to avoid multiplicity of the proceeding and for final adjudication of the suit, therefore, it will just and proper to set aside the abatement order, hence, I pass the following order.

ORDER

1. The abatement order passed against defendant No. 10, 25 and 26 is hereby set aside.

Sd/xx

(Vinod R. Patil)

Date : 23/09/2019

3rd Jt. Civil Judge Sr. Dn., Sangli.

ORDER BELOW EXH. 172 IN SPL.C.S. NO. 92/2012

In view of the order passed below Exh. 168, the application is allowed. The plaintiff is directed to bring legal heirs of defendant No. 10, 25 and 26 on record.

Sd/xx

(Vinod R. Patil)

Date : 23/09/2019

3rd Jt. Civil Judge Sr. Dn., Sangli.

ORDER BELOW EXH. 170 IN SPL.C.S. NO. 92/2012

In view of the order passed below Exh. 168, abatement is set aside against defendant No. 10, 25 and 26. The present application is given for condonation of delay. It is the contentions of the plaintiff that, the plaintiff got knowledge of the death of the said defendants due to application Exh. 167. On perusal of the record, it appears that, defendants have not intimated to the Court about the death of the defendant No. 25, 26, when they filed the application vide Exh. 167, the plaintiff immediately filed the application to bring the legal heirs on record. In such circumstances, it is not proper to impose the cost for delay caused to bring the legal heirs of defendants on record. Hence, I pass the following order.

ORDER

Delay is hereby condoned.

Sd/xx

(Vinod R. Patil)

Date : 23/09/2019

3rd Jt. Civil Judge Sr. Dn., Sangli.

ORDER BELOW EXH. 167 IN SPL.C.S. NO. 92/2012

Read the application and say. Heard the learned advocate for the plaintiff. Already the plaintiff filed the application to bring the legal heirs on record and therefore, the purpose of the application is completed, hence, the application is filed.

Sd/xx

(Vinod R. Patil)

3rd Jt. Civil Judge Sr. Dn., Sangli.

Date : 23/09/2019