

**(CNR No.MHSNO-40001812025)**  
**ORDER BELOW EXH.11 IN REG. CIVIL APPEAL NO.16 OF 2025**  
**(Swapnil Mohan Kamble, etc. V/s. Sarjerao Shankar Kalugade, etc.)**

This is an application filed by appellants for setting aside abatement order. The respondents have filed reply at Exh.16 opposing the application.

2. Heard. Perused the record.

3. It is the contention of appellants that, respondent no.1 Sarjerao Shankar Kalugade expired on dated 20/03/2025 during pendency of the appeal. But, the appellants have no knowledge about Court proceeding. Therefore, the delay is caused to bring legal representatives of deceased respondent on record which is not deliberate. It resulted in automatic abatement of the proceeding against the deceased respondent. Hence, appellants prayed to set aside abatement order against respondent.

4. The respondents have resisted the application by filing say and denied all the contentions made in the application. Therefore, the application moved by appellants is liable to be rejected.

5. Perused application and say of other side. Perused the death extract filed by the appellants. It reveals that respondent no.1 expired on 20/03/2025. The appellants have not filed this application within the stipulated period of limitation i.e. within 90 days. However, it transpires from the application that sufficient and genuine reason for not bringing legal representative on record are explained by the appellants. The delay is already condoned. Hence, considering these circumstances, I hold that the abatement needs to be set-aside in the

interest of justice.

6. In view of discussion made above, I hold that the application deserves to be allowed. In the result, following order is passed.

**ORDER**

1. The application is allowed.
2. The abatement of proceeding against deceased respondent no.1 stands set aside.

Date:- 29/09/2025

(A. H. Kashikar)  
Adhoc District Judge-1, Islampur.

**CERTIFICATE**

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

Name of the Stenographer : S.W.Pathan, (Steno Grade-I)  
Court Name : Adhoc District Judge-1 & Addl.  
Sessions Judge, Islampur.  
Date of Order : 29/09/2025  
Signed by PO. on : 29/09/2025  
Uploaded on : 29/09/2025