

MHSN050000462015



**COMMON ORDER BELOW EXH.260, 262 & 264 IN**  
**R.C.S. NO. 157/2014**

1. Perused all the applications and say filed by defendants. The applications have been filed by plaintiffs for condonation of delay to file application for setting aside abatement order, application to set aside abatement order due to death of plaintiff Nos.5 & 9 and taking their legal heirs on record.

2. The defendants opposed the application by filing say. It is submitted the plaintiff No.5 and 9 died prior to 3 and 9 years. Therefore, the application be rejected.

3. Perused the record. Heard the learned counsel for both sides and gone through the record. It appears that the plaintiff No.5 died on 19/11/2021 and plaintiff No.9 died on 23/2/2015. Their death certificate is produced on record. The application is filed on dated 26/11/2024. There is delay of more than 3 and 9 years respectively, to bring on record legal representatives of plaintiff Nos.5 and 9. It appears that the legal representatives of deceased plaintiff No.9 are plaintiff Nos.1 to 8, who are already on record. Therefore, no any prejudice will be cause to the defendants, if abatement order is set aside as to plaintiff No.9. The suit is filed by the plaintiffs being co-owners of

the suit property. There are in all 9 plaintiffs and plaintiff Nos.1 to 8 are legal representatives of plaintiff No.9. As the suit has been proceeded by the plaintiff No.1 to 4 and 6 to 8, in such circumstances no any prejudice would be caused to the defendants if the application is allowed with costs. Hence, order.

**ORDER**

1. The applications at Exhs.260, 262 & 264 are allowed subject to costs of Rs.500/- (Rupees Five Hundred Only). The costs be paid to the defendants.
2. Plaintiffs to take necessary steps accordingly.

Islampur  
Date: 3/1/2025

(V.G. Chaukhande)  
Jt. Civil Judge, S.D., Islampur

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