

MHSN060007042013

**R.C.S.No.192/2013**

Anuradha @ Anusaya A. Malwade

V/s.

Girish C. Malwade & Ors.10

Order Passed Below Exh.103

This is an application made for setting aside abatement of deceased defendant No.4 namely Suresh Onkar Malwade. It is contended that defendants are joint family members of the plaintiff. The defendants expelled the plaintiff from house. The defendants avoided to effect partition of the suit properties and stopped talking with the plaintiff. Therefore, the plaintiff could not obtain any information from the family of the defendants. Deceased defendant No.4 did not appear in the present suit. Therefore, the plaintiff could not obtain information regarding death of defendant No.4. Consequently, his legal representatives have not brought on record within the period of limitation. The plaintiff is old aged and cannot move out side of the house. Hence, abatement of defendant No.4 may be set aside.

02. Defendant No.1 and 2/A are filed their say at overleaf of the application contending that reasons mentioned in the application are not cogent. Hence, appropriate order may be passed subject to costs.

03. Heard both sides. Perused record. It appears that defendant No.4 namely Suresh Onkar Malwade is died on 15/11/2023. His death certificate is produced on record. The application is for

condonation of delay in bringing legal representatives of defendant No.4 on record, is allowed separately. Hence, following order.

ORDER

1. Application is allowed.
2. The abatement of deceased defendant No.4 is set aside.

Miraj
Date : 12.12.2024

(V. V. Khulape)
Jt. Civil judge, Jr. Dn.,
Miraj.

CERTIFICATE

I affirm that the contents of this PD.F. file Judgment/order are same, word to word, as per the original Judgment.

Name of the Stenographer.	:	S. K. Jadhav, Grade-3
Court.	:	Jt. Civil Judge & Judicial Magistrate F. C., Miraj
Dictation Date	:	12/12/2024
Judgment/order signed by the Presiding Officer on.	:	12/12/2024
Judgment uploaded on.	:	13/12/2024