

COMMON ORDER BELOW EXH. 39, 72, 74, 76, 78, 80 & 82
(Sandipan Vs. Dada and ors)

1] This is an application filed by plaintiff to set aside the abatement order by condoning delay and bringing legal heirs of defendant no.21, 16, 17 on record by setting aside the order passed against plaintiff and to make necessary amendment in the plaint.

2] It is contended and submitted by learned advocate of plaintiff that, defendant no.21, 16, 17 are died on 03.01.2019, 09.12.2021, 14.01.2022 respectively. It is further contended and submitted that, they were unaware about death of defendants. Hence, he could not bring the relevant document of the legal representatives of defendant no.21, 16, 17 within the prescribed period.

3] Notice is served to legal heirs of defendant has filed say overleaf the application and resisted the same. It is contended that, plaintiff has intentionally not brought the LR's on record. No documents are filed on record. The plaintiff has given false reason. Hence, prayed to reject the application with cost.

4] Heard both the advocates. Considering the contents of the parties and the arguments, it is pertinent to note that the delay to set aside the abatement order of defendant no.21, 16, 17 is near about 10 months, 02 months, 02 months delay approximately. The right to sue accrues to the legal representatives of defendant no.21, 16, 17. Considering the nature of suit and for proper adjudication legal heirs of defendant no.21, 16, 17 is necessary parties to the suit. Hence, I proceed to pass following order:

:: ORDER ::

- 1] Application Exh.39, 72, 74, 76, 78, 80 & 82 are allowed and delay to set aside abatement order is hereby condone and order abatement stands set aside on cost of rupees 500/- to be deposit in Court on or before next date.
- 2] Plaintiff is permitted to bring the legal representatives of deceased defendant no.21, 16, 17 as prayed in the application on or before next date and file amended plaint.
- 3] Cost in Cause.

Date: 05/08/2024.

(R.B.Kulkarni)
Jt. Civil Judge Jr. Dn., Atpadi.

Certificate

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

Name of the Stenographer	- A. A. Jamadar
Court	- Jt. CJJD and JMFC, Atpadi.
Date	- 03.08.2024
Order signed by the Presiding Officer on	- 03.08.2024
Order uploaded on	- 03.08.2024