

COMMON ORDER BELOW APPLICATION VIDE EXH. 109, 111 & 113
(Abdulsattar Vs. Rajaram 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.3 Suresh Jagannath Honrao 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.3 Suresh Jagannath Honrao died on 25.10.2023. It is further contended and submitted that, he was unaware about death of defendant no.3 at Vita. Hence, he could not bring the relevant document from revenue department of the legal representatives of Defendant no.3 within the prescribed period.

3] Defendants have filed their say overleaf the application and resisted the same. It is contended that, plaintiff has given false reason and plaintiff not filed any documentary evidence ie Police Patil's LR's certificate, Ration card. Hence, prayed to reject the application.

4] Heard advocates for plaintiff and Defendants. 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.3 is near about 2 months approximately. The right to sue accrues to the legal representatives of Defendant no.3. Considering the nature of suit and for proper adjudication legal heirs of Defendant no.3 is necessary parties to the suit. Hence, I proceed to pass following order:

:: ORDER ::

1] Application Exh.109, 111 & 113 are allowed and delay to set

aside abatement order is hereby condone and order abatement stands set aside on cost of Rs.200/- to be deposited in Court on or before next date.

- 2] Plaintiff is permitted to bring the legal representatives of deceased defendant no.3 Suresh Jagannath Honrao as prayed in the application on or before next date and file amended plaint.
- 3] Cost in Cause.

Date: 28/08/2024.

(**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	- 28.08.2024
Order signed by the	
Presiding Officer on	- 28.08.2024
Order uploaded on	- 28.08.2024