

Order below Exhibit 59 in Regular Civil Suit no. 43 of 2015  
(CNR NO. MHSN130001312015)

The plaintiff has filed the present application to set aside the abatement order. Plaintiff contended that the defendant no. 1 died on 05.11.2016. His legal representatives could not be brought on record within stipulated period. Hence prayed to allow the application.

2. Defendants resisted the application contending that the application is filed deliberately belated and need not be allowed. Hence prayed to reject the application.

3. Perused the application and say.

4. Heard.

5. On perusal of the record it is apparent that the suit is pertaining to declaration and perpetual injunction. The defendant no. 1 died on 05.11.2016. His legal representatives could not be brought on record within stipulated period and the plaintiff was ignored about that. An opportunity need to be given to the legal representatives of the defendant no. 1 to putforth their case. In the interest of justice which will ultimately help in adjudicating of the matter on merit as of the necessary parties to the suit should be on record.

Accordingly, the following order is passed :

-: **ORDER** :-

- 1) The application is allowed.
- 2) Parties to bear their own cost.

Kadegaon  
Date : 23.02.2023

Sd/-  
(J.T.Koregaonkar)  
Civil Judge, (J.D), Kadegaon