

Order below Exhibit 55 in Regular Civil Suit no. 57 of 2019
(CNR No. MHSN130002092019)

The plaintiff has filed the present application to set aside the abatement order. Plaintiff contended that the defendant no. 27 died on 22.09.2020 and defendant no. 14 died on 06.02.2019. Their legal representatives could not be brought on record within stipulated period. Hence prayed to allow the application.

2. Defendants resisted the application contending that contents in the application are not true and correct. The plaintiff has not produced death certificate on record. 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 partition, declaration and injunction. The defendant no. 14 died on 06.02.2019 and defendant no. 27 died on 22.09.2020. Their 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 defendants 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 : 18.10.2023

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