

Order below Exhibit 92 in Regular Civil Suit no. 115/2014

The plaintiff has filed the present application to set aside abatement order due to death of defendant no.10. The plaintiff contended that the defendant no.10 died on 14.10.2021. His legal representatives could not be brought on record within stipulated period. Hence prayed to allow the application.

2. The 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. Heard both side. On perusal of the record it is appears that the suit is pertaining to declaration and permanent injunction. The defendant no.10 died on 14.10.2021. There legal representatives could not be brought on record within stipulated period. An opportunity needs to be given to the legal representatives of the defendant no.10 to put forth their case in the interests 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, I pass the following order.

ORDER

The application is allowed subject to payment of costs of Rs.200/- (Two Hundred only) to be paid by the plaintiff to the defendants on or before next date.

Kadegaon
Date : 31.07.2024

Sd/-XXX
(D.S.Sharma)
Civil Judge, (J.D) Kadegaon