

:-Order below Exh.81 in RCS No.143/2017:-

01. Perused application filed by the Plaintiff for setting aside abatement of suit against deceased Defendant no.1 and say filed by the defendants overleaf Exh.81, as well as say filed by proposed legal representatives of defendant no.1 at Exh.87.

02. On perusal of present application and copy of death certificate of Defendant no.1 produced at Exh.76/1 as well as pursis vide Exh.75, it is clear that the date of death of Defendant no.1 is 05/08/2024. However, present application is filed on 21/03/2025. Therefore, present application is filed after 90 days from the date of death of Defendant no.1.

03. Present suit is for partition, separate possession, injunction and declaration. Hence, right to sue survives against the legal representatives of deceased Defendant no.1.

04. In order to adjudicate the present case effectively, it is necessary to allow present application for setting aside abatement of suit against deceased Defendant no.1. Hence, I pass the following order-

The application at Exh.81 is allowed subject to costs of Rs.200/- to be credited to the government and abatement of suit against deceased Defendant no.1 stands set aside on payment of costs.

Place: Kadegaon

Date: 09/12/2025

**(Smt.Madhavi R. Patkar)
CJJD Kadegaon**