

ORDER BELOW EXH.90

This is an application filed by plaintiff for setting aside abetment order.

02. It is the averment and submission of Ld. counsel for the plaintiff that the delay has caused to acquiring death certificate of defendant No.6 Eknath Dada Deokar. Therefore, delay has been caused to bring the legal heirs of Defendant No.6. Hence, the order for abetment for suit against defendant No.6 has been passed. The Defendant No.6 was died on 24.08.2018 and his legal heirs is necessary party for effective adjudication of matter in hand on merits. Hence, plaintiff prayed for setting aside order of abetment of suit against defendant No.6.

03. Per contra, ld. counsel for the defendants filed their say and strongly objected the instant application and urged for rejection of this application.

04. Heard both the parties in consonance of their respective pleadings and documents. Perused record, it reflect that defendant No.6 was died on 24.08.2018. The Death Certificate of defendant No.6 is at Exh.95. The death and legal heirs of defendant No.6 are not in dispute. The instant suit is abetted as plaintiff failed to bring legal heirs within stipulated period as per Article 120 of the Limitation Act, 1963. No doubt, the legal heirs of defendant No.6 is necessary party for fair adjudication of matter in hand. The order of abetment of suit against defendant No.6 shall be set aside and no prejudice will be caused to defendants. Therefore, by imposing realistic costs I proceed to pass following order;

ORDER

Application at Exh.90 for setting aside order of abetment is hereby allowed subject to costs of Rs.200/- payable to defendants.

Vita.

Jt. Civil Judge Jr. Division, Vita,

Date: 03/10/2024.

Tal.Khanapur, Dist.Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer	:-	S.V. Gaikwad,
Name of the Court	:-	M.S.A.U. Rahman, Jt.Civil Judge Jr.Dn.,& J.M.F.C. Vita. Tal:-Khanapur.
Date of decision	:-	03.10.2024
Signed by P.O. on	:-	03.10.2024
Uploaded on	:-	05.10.2024.