

Order below Exh. 28 in R.C.S.No. 193/2012

(CNR No. : MH5006-000230-2012)

I.A.No. 1/2019

1. This is an application to set aside abatement.
2. Perused the application and say on it. Heard learned advocates for parties. Perused the record.
3. It is submitted by the application that the plaintiff no. 2 has died on 25.12.2018. But, delay is there as there was shock due to death of son, hence she could not apply for taking legal heirs on record. Hence, abatement of plaintiff no. 2 is necessary to be set aside. For that purpose, the plaintiff prayed to set aside the abatement.
4. The application is opposed on the ground that it is not tenable and filed intentionally to prolong the matter. Therefore, application be rejected.
5. The abatement is claimed to be set aside. It is stated that as her son was dead, hence plaintiff no. 1 could not take steps in time. Considering the reason itself, it is just and proper to set aside abatement. So also, same is necessary to determine suit on merits. Hence, in the interest of justice, present application should be allowed. Hence, following order is passed.

ORDER

The application Exh. 28 is allowed.

Date: 22.11.2019.

(M. R. Jadhav)
Civil Judge, Sr. Division,
Pandharpur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

- a Name of the Stenographer : Shri. R. R. Gunhal
- b Court : *Civil Judge Senior
Division Pandharpur*
- c Date of Judgment : 22.11.2019.
- d Judgment signed by P.O. On : 22.11.2019.
- e Judgment uploaded on : 25.11.2019.