

Nivrutti Dhakane
Vs.
Daivan Jadhawar

Order below Exh. 71 in R.C.S.No. 663/2002

Perused the application. It is the contention of plaintiff that bailiff report dated 07.12.2012 shows that defendant no.(1EE) is dead. They did not get information of Lrs. of deceased defendant and if court come to conclusion that suit is abated then delay be condoned, abatement be set aside and permission to bring Lrs. be granted.

2. Defendant has not filed their say. It is seen that notice are issued to proposed Lrs. of deceased defendant but they had not file their say to the application. On perusal of record of the suit it is seen that suit is for possession and mesne profit. It is already contended by the plaintiff that in the year 2012 bailiff reported and given information to the court as well as to plaintiff that defendant no. (1EE) is dead but it is seen that till 05.02.2015 which means till expiry of more than two year plaintiff had not taken any efforts to inform to the court that he did not have information about the Lrs. of deceased defendant but considering the principle of natural justice as well to decide suit on merit it is necessary to allow the application but subject to imposition of costs. With this I pass

following order.

ORDER

Application is allowed subject to cost of Rs. 1000/- paid to legal Aid.

Date: 19.01.2018

(J.R. Raut)
2nd Jt. Civil Judge Jr. Div. Barshi.

C E R T I F I C A T E

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

- (a) Name of the Stenographer:-G.L. Sutar
- (b) Court :-Judicial Magistrate,F.C.Barshi
- (c) Order signed by P.O. on :-19-01-2018
- (d) Order uploaded on :-20-01-2018