

ORDER BELOW EXHIBIT-86 IN R.C.S.No.337 of 2005

Present application is filed by the plaintiff for setting aside the abatement order.

2. It is asserted by the plaintiff that defendant No.2 died on 07.12.2017 and defendant No.4 died on 14.10.2012. Plaintiff got delayed knowledge of their death due to residence at different places of their legal heirs. Inclusion of the said legal heirs are necessary. Hence, prayed that the abatement order be set aside. Hence, the application.

3. Defendants have filed the say and objected the said application and stated that plaintiff was having knowledge of legal heirs and their addresses. But intentionally prolonged to bring the legal heirs on record due to which abatement order was passed. Hence, prayed for rejecting the application.

4. Perused application, say filed on record. Plaintiff was unable to ascertain the addresses due to which they cannot bring the legal heirs on record within time. It is necessary for the decision of the suit that the legal heirs of defendant No.4 have to be included as they are necessary parties. This is a suit for injunction against the defendant, due to which the alleged obstruction is by the defendant against the plaintiff. Due to which the legal heirs has the right to continue with the suit as the right to suit survives. Also no harm will be caused by the addition of legal heirs. On the contrary, it will be beneficial for the just decision of the suit. Hence, considering the above facts the application deserves to be allowed. Accordingly I pass following order:

ORDER

1. Application is allowed.

2. Abatement order is hereby set aside and plaintiff is permitted to bring the legal heirs of defendant No.4 on record as prayed subject to Rs.300/- be paid to the defendants.

Date : 07.08.2019.

(J. A. Zari)
Jt. Civil Judge (J.D.), **Barshi.**

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word as per original Judgment.

Name of Stenographer : A.S.Magnur.

Court Name : J.A.Zari,
Jt.C.J.J.D.& J.M.F.C. Barshi.

Date : 07.08.2019

Judgment signed by the
presiding officer on : 07.08.2019.

Judgment uploaded on : 07.08.2019.