

IN THE COURT OF JT. CIVIL JUDGE J.D. BARSHI
R.C.S. NO. 577 of 2007
COMMON ORDER BELOW Exh.65 & 67

Ganesh K. Sankpal, **:::** **Plaintiff,**
 Vs.
Sou. Mangal D. Jadhav etc., **:::** **Defendants.**

These applications are filed by defendant No.01 & 02 to set aside abatement order and to bring on record the legal representatives of defendant No.09 and 10 of the counter-claim.

02] Legal representatives of defendant No.09 are already on record i.e. defendant No.04 and 05. The Lr's of defendant No.10 have not been brought on record within a period of limitation and thus, suit have been abated against defendant No.10. Thus, defendants have sought to condone the delay and to set aside abatement for defendant No.10.

03] The plaintiff opposed application claiming that the delay is not properly explained.

04] The right to sue being survived through the surviving defendant No. 4 & 5, suit is not abated against defendant No.09. Thus, appropriate endorsement can be taken as prayed for to proceed the suit against defendant No.09 through defendant No.04 & 05.

05] It is found that the application is not within limitation after abatement of suit against defendant No.10. There finds sufficient cause for delay and thus, can be condoned and abatement can be set aside to decide suit on merit. In view of the nature of the suit and stage of the proceedings, it is just and proper to allow application as prayed for.

Hence, following order.

ORDER

01. Applications are allowed subject to costs of Rs.300/- to be paid to the plaintiff.
02. Delay condoned. Abatement of suit against defendant no.10 is set aside.
03. The defendant to carry out amendment up to next date of the hearing and supply copies accordingly.

Date : 23rd March- 2016.

(*Sudhir N. Shinde*)
Jt.Civil Judge, Junior Division,
Barshi.

CERTIFICATE

I affirm that the contents of the PDF filed Order are same word to word, as per the original Order.

Name of Stenographer	: Bhaskar G.B.
Court	: Jt. Civil Judge J. D., Barshi.
Order signed the presiding Officer on	: 23/03/2016.
Order uploaded on	: 23/03/2016.