

**ORDER BELOW EXH. 24 IN R.C.S.NO. 550/2016**

Perused the application and say filed by defendants side. Heard learned advocates for both sides at length. Perused all relevant documents.

This application is filed for setting aside abatement order. The defendants side by filing their say have objected this application and prayed for rejection of the application. In support of contents of present application, an affidavit is filed at Exh. 25 stating how it is necessary to set aside abatement order in respect of deceased defendant no.1 Gorakh Narayan Ingole. The death certificate of deceased defendant no.1 Gorakh Narayan Ingole is filed on record along with list at Exh. 28. Though defendants side have objected this application, on perusal of the record, it appears that this suit is filed in respect of immovable property. The grounds mentioned by defendants side in the say are not sufficient to reject this application. Considering the nature of the suit, in order to settle actual controversy between both parties completely, it will be just and proper to allow application subject to cost. Considering all facts and circumstances, it will be just and proper to allow this application subject to condition to pay cost to the defendant no.3, who objected this application by filing say on or before next date.

Therefore, in view of above discussion, in the interest of justice, I pass the following order.

**ORDER**

1. Present application is allowed in following terms.
2. Abatement order in respect of deceased defendant

no.1 Gorakh Narayan Ingole is hereby set aside subject to condition that plaintiff side shall pay total Rs.300/- as a cost to defendant no.3 on or before next date without fail.

Dt. 09.08.2019

**(Sachin S. Patil)**  
Civil Judge, J.D. Sanogla,  
Dist. Solapur

**CERTIFICATE**

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

(a)	Name of the Stenographer	:	S. P. Parekar
(b)	Court	:	Shri. S.S.Patil, Civil Judge, J.D.& J.M.F.C.Sangola
(c)	Judgment /Order signed by P.O. on	:	09.08.2019
(d)	Judgment /Order uploaded on	:	09.08.2019