

MHTH170004502018 	<u>Regular Civil Suit No. 37/2018</u> (Dattatray Madhav Patil Versus. Nalini Narsinha Patil and Others.
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ORDER BELOW EXH.80
(PASSED ON 08/06/2026)

1] The present application is filed by applicant/plaintiff for setting aside the abatement order. It is the contention of applicant that Defendant No.17 that Smt.Malti Madhukar Patil was passed away on 03/09/2022. Due to lack of knowledge of her death, Plaintiff could not brought the Legal heirs of Defendant No.17 on record. The delay is not deliberately caused on the part of plaintiff for bringing the Legal heirs of Defendant No.2 Malti Madhukar Patil on record. Hence, he prayed that, the abatement order may kindly be set aside.

2] The defendant has filed objection then the application is illegal. The plaintiff did not take the heirs of the present within the time limit. Moreover, the application for setting abatement was not filed. A delay of 98 days has been mentioned. However, a cost of Rs. 1000 should be imposed or the application should be rejected as incomplete. The application is liable to be dismissed on this ground.

3] Heard the Ld. Counsel for the applicant/plaintiff Perused record. The reasons stated in the application is not just and proper. The application is supported by an affidavit. Therefore in order to decide the dispute between the parties on merits and considering the reasons for delay stated by applicant/plaintiff on record, I pass following order in the interest of justice;

ORDER

1. The abatement is hereby set aside for taking Legal heirs of Defendant No.17 Smt.Malti Madhukar Patil on record.
2. The application is allowed subject to cost of Rs.500/- to the T.L.S.A., Palghar.

Date- 08/06/2026
Palghar.

(P. H. Ahire)
3rd Jt Civil Judge Jr. Division,
Palghar.