

MHTH170010432012



ORDER BELOW EXH. 109 IN R.C.S. NO. 190/2012

(Smt. Parvati Patil and ors. Vs. Shri. Kashinath Patil and ors.)

The present application is filed by plaintiffs to set aside abatement.

2] Defendants have filed say on the application itself.

3] Perused application and say. Heard learned advocate of both sides.

4] Defendant No.1 has died on 06/06/2020. Learned Advocate for defendant No.1 has informed the said fact in the court by filing pursis dated 11/07/2023. The present application is filed on 04/03/2024. On perusal of record, the present suit is filed for recovery of possession of suit property. Therefore, in the facts and circumstances of the present suit, right to sue survives. Moreover, there are other defendants on record. Therefore, considering the overall circumstances, application needs to be allowed. Accordingly, I proceed to pass following order.

ORDER

(1) Application (Exh. 109) is allowed.

(2) Abatement is set aside.

Palghar
Date : 13/08/2024

(Amit P. Kokare)
Civil Judge Senior Division
Palghar