

ORDER BELOW EXH – 25

1] The appellants have moved the present application seeking to set aside abatement, if any, arising out of the death of appellant No. 1A on 18/02/2022. It is submitted that no formal order of abatement has been passed in this case. However, the appellants have filed this application to avoid any future technical objections and to ensure smooth continuation of the appeal.

2] Order XXII CPC governs the procedure relating to death, marriage, and insolvency of parties. Abatement occurs automatically if legal representatives are not brought on record within the prescribed period. Procedural rules are intended to advance the cause of justice and not to defeat it. Since appellant No. 1A is reported to be deceased, it is necessary that her legal representatives are brought on record to represent her estate. This will ensure that the appeal is adjudicated on merits without procedural impediments. In view of the above, the application deserves to be allowed.

ORDER

1. The application is **allowed** to the extent that the legal representatives of deceased appellant No. 1A shall be brought on record.

Date: 20th June 2026

(Vishal A. Sathe)
District Judge-4, Wardha.

C E R T I F I C A T E

I hereby affirm that the contents of this PDF file are a true and verbatim reproduction of the original order.

(S.R.Bire)
Stenographer (Gr.-1)