

Order Below Exh.01 in Civil M.A. No.48/2025
(CNR No. MHYA090002322025)

This is an application for restoration of Special Civil Suit No.52/2023 which is dismissed in default vide order dated 25.03.2025.

02. There are three non-applicants to the present proceeding, as showed by the title clause of the application. Notices were issued to them. The report as to notice pertaining to non-applicant No.02 Pandurang is at Exh.11. It shows that he has died on 02.05.2018. Learned advocate for the applicant submits that non-applicant No.02 Pandurang has died even before institution of suit bearing Special Civil Suit No.52/2023.

03. A dead person cannot be sued. Accordingly, institution of present proceeding against non-applicant No.02 is not tenable. Thus, non-applicant No.02 is liable to be struck out. Accordingly, it is struck out.

04. Non-applicants No.01 and 03 have appeared but failed to file any say/reply to the present application. Thus, the application shall proceed without say/reply of the non-applicants No.01 and 03.

Place : Kelapur.
Date : 14/08/2026.

(B. D. Tare)
Civil Judge Senior Division,
Kelapur

- : C E R T I F I C A T E : -

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Steno :- J. G. Thakre

Court Name :- The Court of Civil Judge
(S.D.), Kelapur.

Date of Order :- 14/08/2026

Order signed by PO. on :- 14/08/2026

Order uploaded on :- 14/08/2026