

ORDER BELOW EXH. 1 IN RCS No. 162/2012

This is a suit for mandatory injunction. Record shows that original plaintiff Hirachand Devchand Koli expired on 10.09.2014. Pursis to that effect is placed on record by plaintiffs advocate at Exh.63 on 21.02.2015. Thereafter application to bring legal representatives of deceased plaintiff is filed at Exh.66 on 17.12.2016. Five persons are shown as legal representatives of deceased plaintiff. In para-2 of this application, legal representative No.5 Sunita Hirachand Koli has stated that deceased plaintiff Hirachand has executed registered will deed on 02.04.2012 and has bequeathed right, interest and ownership and possession in property in question in LAR No. 304/2002 and Regular Civil Suit No. 162/2014 i.e. present suit in her favour. Therefore she prays that she is the only legal representative of deceased plaintiff and she may be allowed to prosecute the matter as plaintiff.

considering the nature of submission it was found proper to issue notice to the other legal representatives, accordingly order was passed and record shows that time and again notices have been issued to the proposed legal

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representatives but they could not be served. It is also seen that since order below Exh.66, the Ld. advocate who was representing plaintiff has not appeared nor has taken any steps. The suit is already abated due to death of original plaintiff. Above that the suit is more than five years old. All the above circumstances show that neither of the legal representative of the plaintiff is interested in proceeding with the matter. Hence the suit stands dismissed as abated.

sd/-

[R.S.Bhosale]
4th Jt. Civil Judge Sr. Dn.
Aurangabad.

Date: 29.11.2018